



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 2078
DATE FILMED 10/29/87 CAMERA NO. 3
CAMERAMAN GPC

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PUBLIC RECORD INDEX - MUR 2078

1. Memo, 16 May 85, John D. Gibson (Report Analysis Division) to Charles N. Steele (General Counsel), subj: Referral of Gomez for Congress--1984, w/atch (RAD Referral Package).
2. First General Counsel's Report, 28 Aug 85.
3. Certification of Commission action, 30 Aug 85.
4. Ltr, dtd 6 Sept 85, John Warren McGarry (Chm, FEC) to Robert Poe (Treas, Gomez for Congress--1984).
- 5a. Ltr, 15 Oct 85, R. Poe to FEC.
- 5b. Ltr, dtd 25 Oct 85, Kenneth A. Gross (Assoc. General Counsel) to R. Poe.
6. Ltr, dtd 31 Oct 85, R. Poe to FEC, w/atch (3 signatories).
7. Ltr, dtd 7 Nov 85, R. Poe to FEC.
8. General Counsel's Report, 6 Nov 86.
9. Certification of Commission action, 18 Mar 86.
10. General Counsel's Report, 16 Apr 86.
11. Certification of Commission action, 21 Apr 86.
12. Ltr, 24 Apr 86, K.R. Gross to R. Poe.
13. Ltr, 15 May 86, Lloyd S. Pantel (Counsel for R. Poe) to FEC.
- 14a. Memo, 25 July 86, C.N. Steele to the Commission, subj: Brief re: MUR 2078.
- 14b. Ltr, 25 Jul 86, C.N. Steele to Richard Gomez, w/atch (G.C. Brief).
15. General Counsel's Report, 10 Oct 86.
16. Certification of Commission action, 22 Oct 86.
17. Ltrs, we Dec 86, C.N. Steele to: a) Luz Gomez; and b) Richard Gomez.
18. Ltrs, 23 Dec 86, C.N. Steele to: a) Luz Gomez; and b) Richard Gomez.
- 19a. Ltr, 31 Dec 86, R. Gomez to FEC, re: Luz Gomez.

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- 19b. Ltr, undtd, R. Gomez to FEC, re: Gomez for Congress, 1984.
- 20. General Counsel's Report, 11 Feb 87, w/atch (civil penalty checks).
- 21. Certification of Commission action, 18 Feb 87.
- 22. Clsg ltrs, 19 Feb 87, Lawrence M. Noble (Dep. General Counsel) to: a) R. Gomez w/atch (Executed Conciliation agreement) and b) Luz Gomez w/atch (Executed Conciliation agreement).

-END-

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

16 May 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA *JS*
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF GOMEZ FOR CONGRESS - 1984

This is a referral of Gomez for Congress - 1984 ("the Committee"). The Committee has accepted and repaid excessive contributions. According to the Review and Referral Procedures for Authorized Committees (Standard 2), the acceptance of these contributions requires further examination by your office.

For your information, a referral to the Office of General Counsel was generated for the Committee regarding chronic late filing and failure to file the 12 Day Pre-General Report as of Election Day, November 6, 1984 (now MUR 1901).

In addition, the Committee was referred for a possible audit pursuant to 2 U.S.C. §438(b) on March 13, 1985. The Commission, (see A85-10), declined to audit the Committee on March 26, 1985.

If you have any questions, please contact Marybeth Morici at 523-4048.

Attachment

87040:60975

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 16 May 1985

ANALYST: Marybeth Morici

I. COMMITTEE:

Gomez for Congress - 1984
C00180794
Robert Poe, Treasurer
(April 14, 1985-present)
Maria D. Acosta
(March 11, 1985-April 14, 1985)
Joel M. Correa
(April 2, 1984-March 10, 1985)
1807 Hanscom Drive^{1/}
South Pasadena, CA 91030

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

III. BACKGROUND:

Gomez for Congress - 1984 ("the Committee") disclosed the receipt of apparent excessive contributions totalling \$8,500 on the 1984 July Quarterly Report and on the 30 Day Post-General Report.

The 1984 July Quarterly Report disclosed the receipt of a \$5,000 contribution in the form of a loan from Luz Gomez on June 26, 1984. The loan was designated for the general election, resulting in an apparent excessive contribution of \$4,000 (Attachment 2). Schedule A itemizes five (5) loans of \$1,000 each from five (5) individuals, including Luz Gomez (Attachment 3).

A Request for Additional Information ("RFAI") was sent to the Committee on August 8, 1984, noting the possible receipt of an excessive contribution (Attachment 4). A Second Notice was sent on September 6, 1984, because of the Committee's failure to respond (Attachment 5).

^{1/} The 1984 12 Day Pre-General Report changed the address from P.O. Box 1707, Monterey Park, CA 91754 to 1807 Hanscom Drive, South Pasadena, CA 91030.

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On September 12, 1984, the Committee filed an amendment which stated that the loan had been from five (5) family members as was indicated on Schedule A. These individuals had pooled their funds with the candidate's mother, Luz Gomez. Mrs. Gomez wrote a check to the Committee for the full amount to represent all of the contributors. The amendment also stated that a \$5,000 refund had been made to Luz Gomez (Attachment 6). Schedule B of the 1984 October Quarterly Report itemizes the refund to Luz Gomez made on August 29, 1984 (Attachment 7).

On December 21, 1984, the Reports Analysis Division ("RAD") analyst contacted Joel Correa, treasurer of the Committee. The RAD analyst inquired as to whether the five (5) contributors of the funds had their own checking accounts. Mr. Correa stated that each contributor had a checking account. He also added that the account from which the loan check was drawn was a joint checking account between the candidate and Luz Gomez (Attachment 8).

On April 29, 1985, the RAD analyst contacted Mr. Correa, the former treasurer, to ask if the Committee had on file a statement from the five (5) family members involved in the loan from Luz Gomez, documenting that they had each contributed \$1,000 to the campaign. Mr. Correa stated that the candidate had informed him verbally that these five (5) individuals had made the contributions, and that no written statement was ever obtained. Mr. Correa was asked to collect a signed statement from each contributor and to file it immediately with the Commission (Attachment 9).

On May 13, 1985, the RAD analyst called Mr. Correa to inquire if he had obtained written statements from the five (5) contributors. Mr. Correa said that he had asked the candidate for the information, but it had not been received (Attachment 10).

On May 13, 1985, the RAD analyst attempted to reach Richard Gomez, the candidate, about the signed statements from the five (5) individuals. The candidate was not available, so a message was left with the secretary (Attachment 11). To date, there has been no further response.

The 1984 30 Day Post-General Report disclosed the receipt of two (2) \$5,000 contributions from Citizens for the Republic, a multicandidate committee, on October 24, 1984 (Attachment 12). A cover letter attached to the report stated that \$5,000 was designated for the primary election

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and the other \$5,000 for the general election. The letter stated that the Committee only had \$500 in outstanding primary debts at the time of the contribution, resulting in an excessive contribution of \$4,500 per 11 CFR 110.1(a)(2)(i). The Committee attributed the contribution of the excessive amount to misinformation given to Citizens for the Republic. A staff member of the Committee informed them in error that the amount of outstanding debts totalled \$5,000. The letter stated that the \$5,000 was deposited in a separate segregated checking account. The primary debt of \$500 was repaid from this account and the remaining \$4,500 refunded to the contributor (Attachment 13). Schedule B of the report itemized the refund made to Citizens for the Republic on December 4, 1984 (Attachment 14).

An RFAI was sent to the Committee on December 28, 1984, noting the receipt of the excessive contribution and the Committee's refund of the contribution (Attachment 15). A copy of Advisory Opinion 1984-32 was enclosed concerning the receipt of contributions made after the primary election.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
1983-1984

DATE 15MAY85

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
GOMEZ, RICHARD	HOUSE 30	REPUBLICAN PARTY					1984 ELECTION	ID# H4CA30016	
1. STATEMENT OF CANDIDATE									
1984 STATEMENT OF CANDIDATE							2APR84	1 84HSE/256/2533	
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES									
3. PRINCIPAL CAMPAIGN COMMITTEE									
GOMEZ FOR CONGRESS - 1984							ID# C00180794 HOUSE		
1984 STATEMENT OF ORGANIZATION							2APR84	1 84HSE/256/2533	
STATEMENT OF ORGANIZATION - AMENDMENT							20APR84	1 84HSE/259/1111	
48 HOUR CONTRIBUTION NOTICE							5JUN84	1 84HSE/261/2111	
MISCELLANEOUS NOTICE FROM FEC							8AUG84	1 84FEC/325/0988	
48 HOUR CONTRIBUTION NOTICE							27OCT84	1 84HSE/276/4186	
48 HOUR CONTRIBUTION NOTICE							31OCT84	1 84HSE/277/0007	
48 HOUR CONTRIBUTION NOTICE							31OCT84	2 84HSE/277/0367	
48 HOUR CONTRIBUTION NOTICE							2NOV84	1 84HSE/277/0440	
48 HOUR CONTRIBUTION NOTICE							2NOV84	1 84HSE/277/0430	
48 HOUR CONTRIBUTION NOTICE							2NOV84	1 84HSE/277/1091	
48 HOUR CONTRIBUTION NOTICE							3NOV84	1 84HSE/277/1123	
48 HOUR CONTRIBUTION NOTICE							6NOV84	1 84HSE/277/2070	
48 HOUR CONTRIBUTION NOTICE							9NOV84	1 84HSE/277/3113	
APRIL QUARTERLY			-	-	-	-	1JAN84 -31MAR84	1 84FEC/316/3506	
PRE-PRIMARY			12,090	-	10,935	-	1JAN84 - 5JUN84	9 84HSE/261/3131	
PRE-PRIMARY - AMENDMENT			-	-	-	-	1JAN84 - 5JUN84	2 84HSE/266/1704	
JULY QUARTERLY				7,150		7,966	5JUN84 -30JUN84	6 84HSE/266/1698	
JULY QUARTERLY - AMENDMENT				-		-	5JUN84 -30JUN84	1 84HSE/268/3164	
JULY QUARTERLY - AMENDMENT				-		-	5JUN84 -30JUN84	2 84HSE/268/3165	
REQUEST FOR ADDITIONAL INFORMATION							5JUN84 -30JUN84	3 84FEC/325/1161	
REQUEST FOR ADDITIONAL INFORMATION 2ND							5JUN84 -30JUN84	4 84FEC/327/4213	
OCTOBER QUARTERLY			23,347	-	23,619	-	1JUL84 -30SEP84	15 84HSE/270/1407	
OCTOBER QUARTERLY - AMENDMENT			-	-	-	-	1JUL84 -30SEP84	1 84HSE/278/3111	
OCTOBER QUARTERLY - AMENDMENT			-	-	-	-	1JUL84 -30SEP84	1 84HSE/282/0000	
1'ST LETTER INFORMATIONAL NOTICE							1JUL84 -30SEP84	1 84FEC/350/1111	
PRE-GENERAL			8,494	-	8,016	-	1OCT84 -17OCT84	7 84HSE/277/3139	
PRE-GENERAL - AMENDMENT			-	-	-	-	1OCT84 -17OCT84	3 84HSE/278/3361	
NOTICE OF FAILURE TO FILE							1OCT84 -17OCT84	1 84FEC/347/5026	
REQUEST FOR ADDITIONAL INFORMATION							1OCT84 -17OCT84	1 84FEC/350/1450	
POST-GENERAL			102,006	-	101,936	-	18OCT84 - 4DEC84	36 84HSE/278/3728	
POST-GENERAL - AMENDMENT			103,127	-	101,936	-	18OCT84 - 4DEC84	12 85HSE/283/0553	
REQUEST FOR ADDITIONAL INFORMATION							18OCT84 - 4DEC84	8 84FEC/357/5097	
REQUEST FOR ADDITIONAL INFORMATION 2ND							18OCT84 - 4DEC84	9 85FEC/360/1578	
YEAR-END						400	4DEC84 -31DEC84	9 85HSE/283/0752	
REQUEST FOR ADDITIONAL INFORMATION							4DEC84 -31DEC84	1 85FEC/371/5218	
TOTAL			12,090	142,118	10,935	141,937		147 TOTAL PAGES	
4. AUTHORIZED COMMITTEES									
4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES									

All reports have been reviewed.
Ending cash-on-hand (12/31/84) = \$1,333.59

Debts owed to the committee = \$0
Debts owed by the committee = \$31,444.57

ATTACHMENT #1 PAGE 1 OF 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
GOMEZ, RICHARD	HOUSE 30	REPUBLICAN PARTY					CALIFORNIA	1984 ELECTION	ID# H4CA30016
1. STATEMENT OF CANDIDATE									
2. CANDIDATE REPORTS OF RECEIPTS & EXPENDITURES									
3. PRINCIPAL CAMPAIGN COMMITTEE									
GOMEZ FOR CONGRESS - 1984									
1985 STATEMENT OF ORGANIZATION - AMENDMENT									
STATEMENT OF ORGANIZATION - AMENDMENT									
4. AUTHORIZED COMMITTEES									
4B. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES									

ID# C00180794 HOUSE
 11MAR85 1 85HSE/285/4566
 14APR85 1 85HSE/286/1927

There has been no reports to review

ATTACHMENT #1
 PAGE 2 OF 2

SCHEDULE C
(Part of Form 990)

LEASING

See instructions for each numbered line

(LEASES OWNED BY THE COMMITTEE)

Name of Committee (in Full)		July Quarterly	
GOMEZ FOR CONGRESS - 1994		C-0010794	
A. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Balance Outstanding at Close of This Period
LUG GOMEZ 11725 HEBERT LANE MIDWAY, CA 94501		\$ 5,000.	\$ 5,000.
Election: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		Comprehensive Payments To Date	
Terms: Date Incurred <u>6-26-54</u> Date Due <u>9/30</u> Interest Rate <u>0</u> (Year)		-	
List All Endorsers or Guarantors (if any) to Item A			
1 Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
2 Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
3 Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
B. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Balance Outstanding at Close of This Period
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Comprehensive Payments To Date	
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ (Year)			<input type="checkbox"/> Secured
List All Endorsers or Guarantors (if any) to Item B			
1 Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
2 Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
3 Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding		
SUBTOTALS This Period This Page (optional)			
TOTALS This Period (last page in this line only)			\$ 5,000.
Carry outstanding balance only to LINE 3, Schedule D, for this line. If on Schedule B, carry forward to appropriate line of Summary.			

R 7 0 4 0 : 6 0 9 9 1

SCHEDULE A

ITEMIZED RECEIPTS

See Schedule A
Also separate attachment for each category of the Receipts Summary Page

OTHER 10000

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) 1984 July Quarterly

A. Full Name, Mailing Address and ZIP Code <i>LUB GORSE 11725 NEAR LANE WHITTIER, CA. 90601</i>	Name of Employer <i>N/A</i>	Date (month, day, year) <i>6-26-84</i>	Amount of Each Receipt This Period <i>\$ 1,000.00</i>
	Occupation <i>HOUSEWIFE</i>	Aggregate Year-to-Date—\$ <i>1,000.</i>	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
B. Full Name, Mailing Address and ZIP Code <i>William GORSE 11725 NEAR LANE WHITTIER, CA. 90601</i>	Name of Employer <i>RETIRED</i>	Date (month, day, year) <i>6-26-84</i>	Amount of Each Receipt This Period <i>1,000.00</i>
	Occupation	Aggregate Year-to-Date—\$ <i>1,000.</i>	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
C. Full Name, Mailing Address and ZIP Code <i>GUTIERREZ, CARLOS 5390 SONORSET ST. LOS ANGELES, CA. 90032</i>	Name of Employer <i>RETIRED</i>	Date (month, day, year) <i>6-26-84</i>	Amount of Each Receipt This Period <i>1,000.00</i>
	Occupation	Aggregate Year-to-Date—\$ <i>1,000.</i>	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
D. Full Name, Mailing Address and ZIP Code <i>GUTIERREZ, ROSA 5390 SONORSET ST. LOS ANGELES, CA. 90032</i>	Name of Employer <i>N/A</i>	Date (month, day, year) <i>6-26-84</i>	Amount of Each Receipt This Period <i>1,000.00</i>
	Occupation <i>HOUSEWIFE</i>	Aggregate Year-to-Date—\$ <i>1,000.</i>	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
E. Full Name, Mailing Address and ZIP Code <i>GUTIERREZ, CARLOS JR. 5429 FRANKWORTH AVE. LOS ANGELES, CA 90032</i>	Name of Employer	Date (month, day, year) <i>6-26-81</i>	Amount of Each Receipt This Period <i>1,000.00</i>
	Occupation	Aggregate Year-to-Date—\$ <i>1,000.</i>	
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation	Aggregate Year-to-Date—\$	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation	Aggregate Year-to-Date—\$	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
SUBTOTAL of Receipts This Page (optional)			
TOTAL This Period (last page this line number only)			<i>5,000.</i>

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

AUG 8 1984

89-2

Jeal M. Correa, Treasurer
Games for Congress 1984
P.O. Box 1707
Monterey Park, CA 91754

Identification Number: C90180794

Reference: July Quarterly Report (6/5/84-6/30/84)

Dear Mr. Correa:

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 itemisation follows:

Schedule C of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. An individual or a political committee other than a multicandidate committee may not make contributions to a candidate for Federal office in excess of \$1,000 per election. If you have received a contribution(s) which exceeds the limits, the Commission recommends that you refund to the donor(s) the amount in excess of \$1,000. The Commission should be notified in writing if a refund is necessary. In addition, any refund should appear on Line 20 of the Detailed Summary Page of your next report. (2 U.S.C. 441a(a) and (f))

The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.

If the contribution(s) in question was incorrectly reported and/or you have additional information regarding the contributor(s), you may wish to submit documentation for the public record. Please amend your report with the clarifying information. The Commission notes that Schedule A of the report discloses the loan from five individuals.

Although the Commission may take further legal steps concerning the acceptance of an excessive contribution(s), prompt action by you to refund the excessive amount will be taken into consideration.

NL

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-Commission Regulations require the continuous reporting of all outstanding loans/debts. This report omits the loan(s) itemized on your previous report(s). Please amend your report(s) to indicate the current status of the following loan(s): Joel M. Correa - \$500. (11 CFR 104.3(d) and 104.11)

-Please provide Column B figures for the Summary Page.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Susan Kaltenbaugh
Susan Kaltenbaugh
Senior Reports Analyst
Reports Analysis Division

84033:51152



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

89-3

September 6, 1984

Joel M. Correa, Treasurer
Gomez for Congress 1984
P.O. Box 1707
Monterey Park, CA 91754

Identification Number: C00180794

Reference: July Quarterly Report (6/5/84-6/30/84)

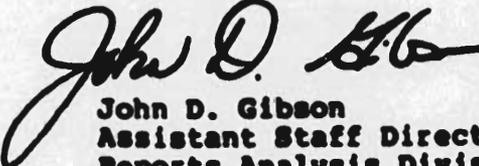
Dear Mr. Correa:

This letter is to inform you that as of September 5, 1984, the Commission has not received your response to our request for additional information, dated August 8, 1984. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Marybeth Morici on our toll-free number (800) 424-9530 or our local number (202) 523-4048.

Sincerely,



John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosure

879403674213

REGULAR MAIL
SEP 9 1984
SEP 7 1

Gomez For Congress

110345

August 29, 1984

Clerk of the House of Representatives
1036 Longworth House Office Bldg.
Washington, D.C. 20515

Attn: Ms. Susan Kaltenbaugh
Ref: July Quarterly Report
I.D. No. C00180794

RECEIVED
OFFICE OF RECORDS & COMMUNICATIONS
SEP 12 11 08 AM '84
U.S. HOUSE OF REPRESENTATIVES

Dear Ms. Kaltenbaugh:

Schedule A -Other Loans- indicates a total of \$5,000.00 from five (5) family members of the candidate. That same amount is reported in Schedule C as one loan for \$5,000.00 because I, the Treasurer for the campaign, received one (1) check for the full amount. In essence, the five family members pooled their loans with the mother of the candidate, Ms. Luz Gomez, and she in turn wrote one check to the campaign.

In any event, today we made a check for \$5,000.00 to pay subject loan in full to Mrs. Luz gomez.

-- Attached please find corrections to July report, per your letter dated Aug. 8, 1984.

Sincerely,



Joel M. Correa
Treasurer

3 4 0 1 2 6 3 1 5 4

SCHEDULE B

ITEMIZED DISBURSEMENTS

John Wilson
This column should be for each category of the Budget (Summary Page)

(REPAYMENTS OF OTHER LOANS)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of collecting 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 October Quarterly	
<i>GAMER FOR CONGRESS - 1984 C-00180794</i>			
A. Full Name, Mailing Address and ZIP Code <i>LUB GAMER 11725 NORT LANE WHITTIER, CALIF. 90601</i>	Purpose of Disbursement <i>LOAN REPAYMENT</i> Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) <i>8-29-84</i>	Amount of Each Disbursement This Period <i>5,000.00 (refund)</i>
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (next page this line number only)			<i>5,000.00</i>

9704367397
3401275413

MEMORANDUM FOR THE FILES: TELECON

SUBJECT: 441a Violation

DATE: 12-21-84

FROM: Marybeth Morici

TO: Joel Correa

NAME OF COMMITTEE: Gomez for Congress - 1984

CA/30

The analyst contacted Mr. Correa, to inquire as to whether individuals involved in the \$5,000 loan, made from the candidate's mother's checking account, had checking accounts of their own. (Five family members contributed \$1,000 each and gave it in the form of a single check from Luz Gomez, the candidate's mother.) The contributing ~~members~~ did have their own checking accounts according to Mr. Correa. However, he mentioned that the account the loan was made from was in the name of both the candidate and his mother.

8704060888

SUBJECT: 441a Violations

DATE: April 29, 1985

FROM: Marybeth Morici

TO: Joel Correa

NAME OF COMMITTEE: Gomez for Congress-1984

CA

The analyst contacted Mr. Correa, treasurer of the committee, to ask if the committee had on file a signed statement from the five family members involved in the loan from Luz Gomez, documenting that they had each contributed \$1000 to the campaign. Mr. Correa said that there was no such document in their files. The analyst asked how he had determined that the contributions had come from these individuals. Mr. Correa stated that the candidate had informed him verbally that these five individuals had made the contributions, and that no written statement was ever obtained. The analyst informed Mr. Correa that the committee was required to obtain this information at the time the contributions were made. Mr. Correa was asked to collect a signed statement from each contributor and file it immediately with the Commission. Mr. Correa said he would contact the candidate immediately and have him obtain this information for the Commission.

8704060389

MEMORANDUM FOR THE FILES: TELECON

ATTACHMENT #10
PAGE 1 OF 1

SUBJECT: **441a Violation**

DATE: **May 13, 1985**

FROM: **Marybeth Morici**

TO: **Joel Correa**

NAME OF COMMITTEE: **Gomez for Congress-1984**

CA

The analyst contacted Mr. Correa to inquire as to whether or not he had obtained written statements from the contributors of the \$5000 loan from Luz Gomez. Mr. Correa said that he had asked the candidate for the information, but it had not been received. The analyst obtained the business telephone number of Richard Gomez to request the information from him directly. Mr. Correa said he would also remind the candidate about the needed information.

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MEMORANDUM FOR THE FILES: TELECON

SUBJECT: 441a Violations

DATE: May 13, 1985

FROM: Marybeth Morici

TO: Richard Gomez

NAME OF COMMITTEE: Gomez for Congress-1984

The analyst attempted to reach Richard Gomez, the candidate, about the signed statements needed from the five family members who had contributed in the form of a loan to his campaign. Mr. Gomez was not in his office. A message was left with his secretary requesting him to return the call. A brief explanation was given for the purpose of the call.

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SCHEDULE A

PERMITS RECEIPTS

Use this schedule for each category of the General Category of the General Category Page

CONTRIBUTIONS FROM OTHER POLITICAL COMMITTEES

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of collecting 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 30 Day Post-General	
GENERAL FOR CROWLEY - 1984 A. Full Name, Mailing Address and ZIP Code MECHANICAL CONTRACTORS ASSOC. OF ANAHEIM, INC. Political Action Committee, Inc. 8530 WILSON AVENUE, SUITE 700 CHERY GROVE, CALIF. 92705		Name of Employer Occupation Aggregate Year-to-Date-\$ 250.	Date (month, day, year) 10-20-84 Amount of Each Receipt This Period 250.
Receipt For <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
B. Full Name, Mailing Address and ZIP Code Ed ZSCHAU FOR CROWLEY LORRAINE R. DALY P.O. Box 85 LOS ALITOS, CA. 94002		Name of Employer Occupation Aggregate Year-to-Date-\$ 1,000.	Date (month, day, year) 10-21-84 Amount of Each Receipt This Period 1,000.
Receipt For <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
C. Full Name, Mailing Address and ZIP Code CITIZENS FOR THE REPUBLIC 1353 - 7th ST., STE 200 SANTA MONICA, CA. 90401		Name of Employer Occupation Aggregate Year-to-Date-\$ 10,000.	Date (month, day, year) 10-24-84 Amount of Each Receipt This Period 5,000. } See 5,000. } Note L
Receipt For <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
D. Full Name, Mailing Address and ZIP Code CITY INTERSTATE Political Action Committee For Employees (CHANGE) 9100 WILLENBIE BLVD. BURNLEY HILLS, CA. 90212		Name of Employer Occupation Aggregate Year-to-Date-\$ 1,000.	Date (month, day, year) 10-31-84 Amount of Each Receipt This Period 1,000.
Receipt For <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
E. Full Name, Mailing Address and ZIP Code FRIENDS OF NEWT GINGRICH P.O. Box 130 RIVERSIDE, CA. 92574		Name of Employer Occupation Aggregate Year-to-Date-\$ 1,000.	Date (month, day, year) 10-19-84 Amount of Each Receipt This Period 1,000.
Receipt For <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
F. Full Name, Mailing Address and ZIP Code CAL FED Political Action Committee 5170 WILLENBIE BLVD. LOS ANGELES, CA. 90026		Name of Employer Occupation Aggregate Year-to-Date-\$ 1,000.	Date (month, day, year) 10-25-84 Amount of Each Receipt This Period 500.
Receipt For <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
G. Full Name, Mailing Address and ZIP Code NURSES FOR CROWLEY P.O. Box 1086 CARLETON, CA. 92118		Name of Employer Occupation Aggregate Year-to-Date-\$ 1,000.	Date (month, day, year) 10-25-84 Amount of Each Receipt This Period 1,000.
Receipt For <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):			
SUBTOTAL of Receipts This Page (optional).....			14,250.
TOTAL This Period (last page this line number only).....			

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MK

REGULAR MAIL
DEC -5 1984

110345

December 15, 1984

Clerk of the House
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515

RECEIVED
OFFICE OF RECORDS & REGISTRATION
DEC 16 1984
PM 2:14

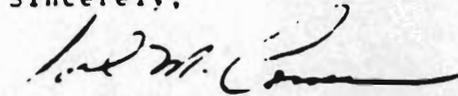
Reference: Note 1

Please note that Schedule A - Itemized Receipts - Contributions From Other Political Committees - indicates that "Citizens for the Republic" made two contributions of \$5,000.00 each to the Gomez for Congress campaign on 10-24-84.

One of the contributions for \$5,000.00 was to retire Primary Election debts because "Citizens for the Republic" was informed by one of our Staff members that the campaign had in excess of \$5,000.00 in Primary Debts. In fact, our reported Primary Debt amounts to only \$500.00.

Upon receiving the \$5,000.00 to retire the Primary Debt, I segregated those funds by opening a new checking account with Omni Bank, Monterey Park, California [redacted] until disposition of those funds could be confirmed. From monies from that account, the Primary Debt of \$500.00 was paid off and the restant amount, or \$4,500.00 was returned to the contributor as reported on Schedule B - Itemized Disbursements - Refunds of Contributions to Other Political Committees.

Sincerely,



Joel M. Correa
Treasurer, Gomez for Congress - 1984

cc. Citizens for the Republic

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SCHEDULE B

FINANCED DISBURSEMENTS

Also complete additional for each category of the General Summary Page

REPORT OF CONTRIBUTIONS TO OTHER POLITICAL COMMITTEES

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 30 Day Post-General
CITIZENS FOR CONGRESS - 1984 C. 00180774

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
CITIZENS FOR THE REPUBLIC 1353 - 7TH ST., STE 200 SANTA MONICA, CA. 90401	CONTRIBUTION REPAYED Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <small>(Specify)</small>	12-0-84	4,500. } See Note 1
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <small>(Specify)</small>	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General <small>(Specify)</small>	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 <small>(Specify)</small>	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 <small>(Specify)</small>	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 <small>(Specify)</small>	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 <small>(Specify)</small>	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 <small>(Specify)</small>	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 <small>(Specify)</small>	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only) **4,500.**

84012793758



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

EQ-2

Joel M. Correa, Treasurer
Gomez for Congress - 1984
1807 Hansconi Drive
South Pasadena, CA 91030

DEC 28 1984

Identification Number: C00180794

Reference: 30 Day Post-General Report (10/18/84-12/4/84)

Dear Mr. Correa:

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:

-You must provide the occupation and name of employer for each contributor required to be itemized on Schedule A. Please amend your report by supplying the omitted information.

With respect to the occupation and name of employer of the contributor, your committee may demonstrate "best efforts" to obtain the required information. This demonstration should describe your committee's procedures for requesting the information. You may also supply a copy of the solicitation and a statement that all solicitations request the required information. See 11 CFR 104.3(a)(4)(i) and 11 CFR 104.7.

-Schedule A of your report (pertinent portion attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. A contribution designated for the primary election, that is made after the date of the primary election, "shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election..." 11 CFR 110.1(a)(2)(i). (See attached Advisory Opinion.)

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, your action in refunding the excessive amount(s) will be taken into consideration.

MK

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An amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4040.

Sincerely,

Marybeth Morici

Marybeth Morici
Reports Analyst
Reports Analysis Division

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84033375098

SENSITIVE

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

OFFICE
COMMISSIONER

FIRST GENERAL COUNSEL'S REPORT

85 AUG 26 P 5: 11

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

RAD # 85L-23
STAFF MEMBER
George Demougeot

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

Respondents' Name: Gomez for Congress - 1984
Robert Poe, as Treasurer
Luz Gomez

Relevant Statutes: 2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(f)

Internal Reports Checked: Committee Reports

Federal Agencies Checked: None

GENERATION OF MATTER

Based on information obtained in the normal course of its supervisory duties under the Federal Election Campaign Act of 1971, as amended (the "Act"), the Reports Analysis Division ("RAD") referred this matter to the Office of General Counsel on May 17, 1985.

SUMMARY OF ALLEGATIONS

Gomez for Congress - 1984 ("the Committee") disclosed the receipt of apparent excessive contributions totalling \$8,500 on the 1984 July Quarterly Report and on the 30 Day Post-General Report.

A. Luz Gomez

The 1984 July Quarterly Report disclosed the receipt of a \$5,000 contribution in the form of a loan from Luz Gomez on June 26, 1984. The loan was designated for the general election,

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resulting in an apparent excessive contribution of \$4,000. Schedule A itemizes five (5) loans of \$1,000 each from five (5) individuals, including Luz Gomez.

A Request for Additional Information ("RFAI") was sent to the Committee on August 8, 1984, noting the possible receipt of an excessive contribution. A Second Notice was sent on September 6, 1984, because of the Committee's failure to respond.

On September 12, 1984, the Committee filed an amendment which stated that the loan had been from five (5) family members as was indicated on Schedule A. These individuals had pooled their funds with the candidate's mother, Luz Gomez. Mrs. Gomez wrote a check to the Committee for the full amount to represent all of the contributors. The amendment also stated that a \$5,000 refund had been made to Luz Gomez. Schedule B of the 1984 October Quarterly Report itemizes the refund to Luz Gomez made on August 29, 1984.

On December 21, 1984, the Reports Analysis Division ("RAD") analyst contacted Joel Correa, treasurer of the Committee. The RAD analyst inquired as to whether the five (5) contributors of the funds had their own checking accounts. Mr. Correa stated that each contributor had a checking account. He also added that the account from which the loan check was drawn was a joint checking account between the candidate and Luz Gomez.

On April 29, 1985, the RAD analyst contacted Mr. Correa, the former treasurer, to ask if the Committee had on file a statement from the five (5) family members involved in the loan from Luz Gomez, documenting that they had each contributed \$1,000 to the

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campaign. Mr. Correa stated that the candidate had informed him verbally that these five (5) individuals had made the contributions, and that no written statement was ever obtained. Mr. Correa was asked to collect a signed statement from each contributor and to file it immediately with the Commission.

B. Citizens For The Republic

The 1984 30 Day Post-General Report disclosed the receipt of two (2) \$5,000 contributions from Citizens for the Republic ("CFTR"), a multicandidate committee, on October 24, 1984. A cover letter attached to the report stated that \$5,000 was designated for the primary election and the other \$5,000 was designated for the general election. The letter stated that the Committee only had \$500 in outstanding primary debts at the time of the contribution, resulting in an excessive contribution of \$4,500 per 11 CFR § 110.1(a)(2)(i). The Committee attributed the of the excessive amount contribution to misinformation given to CFTR. A staff member of the Committee informed them in error that the amount of outstanding debts totalled \$5,000. The letter stated that the \$5,000 was deposited in a separate checking account. The primary debt of \$500 was repaid from this account and the remaining \$4,500 refunded to the contributor. Schedule B of the report itemized the refund made to CFTR on December 4, 1984.

An RFAI was sent to the Committee on December 28, 1984, noting the receipt of the excessive contribution and the Committee's refund of the contribution.

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FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(1)(A), states that no person shall make contributions to any candidate and his authorized committees with respect to any Federal office which, in the aggregate, exceeds \$1,000.

2 U.S.C. § 431(8)(A) states that a loan is a contribution. 11 C.F.R. § 100.7(a)(1)(i)(A) states that a loan that exceeds the contribution limitation is unlawful whether or not the loan is repaid.

2 U.S.C. § 441a(f), states that no candidate or political committee shall knowingly accept or make any expenditure in violation of the \$1,000 aggregate limitation imposed on contributions under this section.

A. Luz Gomez

The Committee disclosed in its 1984 July Quarterly Report and amended 1984 July Quarterly Report a \$5000 loan from Luz Gomez. The Committee noted in its amended report that the loan had been in fact five \$1,000 loans from five individuals. In addition, the amended report also disclosed a \$5,000 repayment to Luz Gomez. Since the Committee reported a \$5,000 loan from Luz Gomez and the Committee reported a \$5,000 repayment to Luz Gomez, the Office of General Counsel recommends that the Commission find reason to believe Gomez for Congress-1984 and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f), and that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A).

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B. Citizens for the Republic

The Gomez Committee indicated in its 1984 30 Day Post-General Report the receipt of two \$5,000 contributions on October 24, 1984, from CFTR. One contribution was designated for the general election and one contribution was designated for retirement of primary debt. In addition, the Gomez Committee reported a refund of \$4,500 on December 12, 1984, to CFTR, which represented the excessive amount of the contribution designated for retirement of primary debt. A cover letter attached to the Gomez Committee's report noted the excessive contribution was kept in a segregated checking account until the primary debt amount was confirmed. The excess amount was then refunded. Since the entire amount of the contribution in question was kept in a segregated account and the excessive amount was refunded when the amount of the outstanding debt was determined, the Office of General Counsel recommends that the Commission find no reason to believe that Gomez for Congress - 1984 and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f), by accepting an excessive contribution from the Citizens for the Republic.

RECOMMENDATION

1. Open a MUR.
2. Find reason to believe that Gomez for Congress - 1984 and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f).
3. Find reason to believe tha Luz Gomez violated 2 U.S.C. § 441a(a) (1) (A).

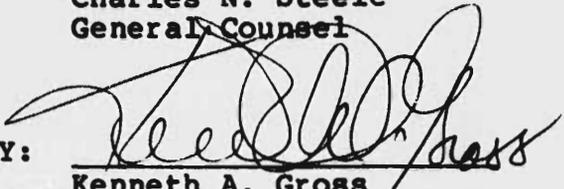
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4. Find no reason to believe that Gomez for Congress - 1984 and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f), by accepting an excessive contribution from Citizens for the Republic.
5. Approve attached letter and factual and legal analysis.

Charles N. Steele
General Counsel

August 23, 1985
Date

BY:


Kenneth A. Gross
Associate General Counsel

Attachments

- I. RAD Referral
- II. Proposed General Counsel's Factual and Legal Analysis
- III. Proposed Letter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Gomez for Congress - 1984) RAD Referral 85L-23
Robert Poe, as treasurer)
Luz Gomez)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 29, 1985, the Commission decided by a vote of 5-0 to take the following actions in RAD Referral 85L-23:

1. Open a MUR.
2. Find reason to believe that Gomez for Congress - 1984 and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f).
3. Find reason to believe that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A).
4. Find no reason to believe that Gomez for Congress - 1984 and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f), by accepting an excessive contribution from Citizens for the Republic.

(Continued)

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Certification
RAD Referral 85L-23
First General Counsel's Report
Signed August 23, 1985

Page 2

5. Approve the letter and factual and legal analysis attached to the First General Counsel's Report signed August 23, 1985.

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

Attest:

8-30-85

Date

Jody C. Ransom

for Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Mon., 8-26-85, 5:11
Circulated on 48 hour tally basis: Tues., 8-27-85, 4:00
Deadline for votes: Thurs., 8-29-85, 4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 6, 1985

Robert Poe, Treasurer
Gomez for Congress - 1984
1807 Hanscom Drive
South Pasadena, CA 91030

RE: MUR 2078

Dear Mr. Poe:

On August 29, 1985, the Federal Election Commission determined that there is reason to believe Gomez For Congress - 1984 and you 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.

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 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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Robert Poe, Treasurer
Page 2

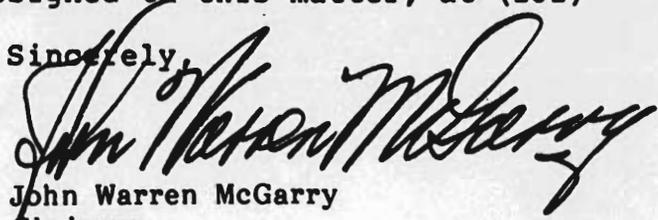
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 George Demougeot, the staff member 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

cc: Richard Gomez

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MUR NO. _____

STAFF MEMBER & TEL. NO.
George Demougeot

RESPONDENT Gomez For Congress - 1984
and Robert Poe, as treasurer

SUMMARY OF ALLEGATIONS

Gomez for Congress - 1984 ("the Committee") disclosed the receipt of apparent excessive contributions totalling \$8,500 on the 1984 July Quarterly Report and on the 30 Day Post-General Report.

The 1984 July Quarterly Report disclosed the receipt of a \$5,000 contribution in the form of a loan from Luz Gomez on June 26, 1984. The loan was designated for the general election, resulting in an apparent excessive contribution of \$4,000. Schedule A itemizes five (5) loans of \$1,000 each from five (5) individuals, including Luz Gomez.

A Request for Additional Information ("RFAI") was sent to the Committee on August 8, 1984, noting the possible receipt of an excessive contribution. A Second Notice was sent on September 6, 1984, because of the Committee's failure to respond.

On September 12, 1984, the Committee filed an amendment which stated that the loan had been from five (5) family members as was indicated on Schedule A. These individuals had pooled their funds with the candidate's mother, Luz Gomez. Mrs. Gomez wrote a check to the Committee for the full amount to represent all of the contributors. The amendment also stated that a \$5,000 refund had been made to Luz Gomez. Schedule B of the 1984 October Quarterly Report itemizes the refund to Luz Gomez made on August 29, 1984.

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On December 21, 1984, the Reports Analysis Division ("RAD") analyst contacted Joel Correa, treasurer of the Committee. The RAD analyst inquired as to whether the five (5) contributors of the funds had their own checking accounts. Mr. Correa stated that each contributor had a checking account. He also added that the account from which the loan check was drawn was a joint checking account between the candidate and Luz Gomez.

On April 29, 1985, the RAD analyst contacted Mr. Correa, the former treasurer, to ask if the Committee had on file a statement from the five (5) family members involved in the loan from Luz Gomez, documenting that they had each contributed \$1,000 to the campaign. Mr. Correa stated that the candidate had informed him verbally that these five (5) individuals had made the contributions, and that no written statement was ever obtained. Mr. Correa was asked to collect a signed statement from each contributor and to file it immediately with the Commission.

On May 13, 1985, the RAD analyst called Mr. Correa to inquire if he had obtained written statements from the five (5) contributors. Mr. Correa said that he had asked the candidate for the information, but it had not been received.

On May 13, 1985, the RAD analyst attempted to reach Richard Gomez, the candidate, about the signed statements from the five (5) individuals. The candidate was not available, so a message was left with the secretary. To date, there has been no further response.

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The 1984 30 Day Post-General Report disclosed the receipt of two (2) \$5,000 contributions from Citizens for the Republic ("CFR"), a multicandidate committee, on October 24, 1984. A cover letter attached to the report stated that \$5,000 was designated for the primary election and the other \$5,000 for the general election. The letter stated that the Committee only had \$500 in outstanding primary debts at the time of the contribution, resulting in an excessive contribution of \$4,500 per 11 CFR 110.1(a)(2)(i). The Committee attributed the contribution of the excessive amount to misinformation given to Citizens for the Republic. A staff member of the Committee informed them in error that the amount of outstanding debts totalled \$5,000. The letter stated that the \$5,000 was deposited in a separate segregated checking account. The primary debt of \$500 was repaid from this account and the remaining \$4,500 refunded to the contributor. Schedule B of the report itemized the refund made to Citizens for the Republic on December 4, 1984.

An RFAI was sent to the Committee on December 28, 1984, noting the receipt of the excessive contribution and the Committee's refund of the contribution.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(1)(A), states that no person shall make contributions to any candidate and his authorized committees with respect to any Federal office which, in the aggregate, exceeds \$1,000.

2 U.S.C. § 431(a)(A) states that a loan is a contribution. 11 CFR § 100.7(a)(1)(i)(A) states that a loan that exceeds the

contribution limitation is unlawful whether or not the loan is repaid.

2 U.S.C. § 441a(f), states that no candidate or political committee shall knowingly accept or make any expenditure in violation of the \$1,000 aggregate limitation imposed on contributions under this section.

A. Luz Gomez

The Committee disclosed in its 1984 July Quarterly Report and amended 1984 July Quarterly Report a \$5000 loan from Luz Gomez. The Committee noted in its amended report that the loan had been in fact five \$1,000 loans from five individuals. In addition, the amended report also disclosed a \$5,000 repayment to Luz Gomez. Since the Committee reported a \$5,000 loan from Luz Gomez and the Committee reported a \$5,000 repayment to Luz Gomez, the Office of General Counsel recommends that the find reason to believe Gomez for Congress-1984 and Robert Poe, as treasurer violated 2 U.S.C. § 441a(f).

B. Citizens for the Republic

The Gomez Committee indicated in its 1984 30 Day Post-General Report the receipt of two \$5,000 contributions on October 24, 1984, from CFTR. One contribution was designated for the general election and one contribution was designated for retirement of primary debt. In addition, the Gomez Committee reported a refund of \$4,500 on December 12, 1984, to CFTR, which represented the excessive amount of the contribution desinated for retirement of primary debt. A cover letter attached to the Gomez

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Committee's report noted the excessive contribution was kept in a segregated checking account until the primary debt amount was confirmed. The excess amount was then refunded. Since the entire amount of the contribution in question was kept in a segregated account and the excessive amount was refunded when the amount of the outstanding debt was determined, the Office of General Counsel recommends that the Commission find no reason to believe that Gomez for Congress - 1984 and Robert Poe, as treasurer, violated 2 U.S.C. §441a(f), by accepting an excessive contribution from Citizens for the Republic.

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GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. _____

STAFF MEMBER & TEL. NO.
George Demougeot

RESPONDENT Luz Gomez

SUMMARY OF ALLEGATIONS

Gomez for Congress - 1984 ("the Committee") disclosed the receipt of apparent excessive contributions totalling \$8,500 on the 1984 July Quarterly Report and on the 30 Day Post-General Report.

The 1984 July Quarterly Report disclosed the receipt of a \$5,000 contribution in the form of a loan from Luz Gomez on June 26, 1984. The loan was designated for the general election, resulting in an apparent excessive contribution of \$4,000. Schedule A itemizes five (5) loans of \$1,000 each from five (5) individuals, including Luz Gomez.

A Request for Additional Information ("RFAI") was sent to the Committee on August 8, 1984, noting the possible receipt of an excessive contribution. A Second Notice was sent on September 6, 1984, because of the Committee's failure to respond.

On September 12, 1984, the Committee filed an amendment which stated that the loan had been from five (5) family members as was indicated on Schedule A. These individuals had pooled their funds with the candidate's mother, Luz Gomez. Mrs. Gomez wrote a check to the Committee for the full amount to represent all of the contributors. The amendment also stated that a \$5,000 refund had been made to Luz Gomez. Schedule B of the 1984 October Quarterly Report itemizes the refund to Luz Gomez made on August 29, 1984.

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On December 21, 1984, the Reports Analysis Division ("RAD") analyst contacted Joel Correa, treasurer of the Committee. The RAD analyst inquired as to whether the five (5) contributors of the funds had their own checking accounts. Mr. Correa stated that each contributor had a checking account. He also added that the account from which the loan check was drawn was a joint checking account between the candidate and Luz Gomez.

On April 29, 1985, the RAD analyst contacted Mr. Correa, the former treasurer, to ask if the Committee had on file a statement from the five (5) family members involved in the loan from Luz Gomez, documenting that they had each contributed \$1,000 to the campaign. Mr. Correa stated that the candidate had informed him verbally that these five (5) individuals had made the contributions, and that no written statement was ever obtained. Mr. Correa was asked to collect a signed statement from each contributor and to file it immediately with the Commission.

On May 13, 1985, the RAD analyst called Mr. Correa to inquire if he had obtained written statements from the five (5) contributors. Mr. Correa said that he had asked the candidate for the information, but it had not been received.

On May 13, 1985, the RAD analyst attempted to reach Richard Gomez, the candidate, about the signed statements from the five (5) individuals. The candidate was not available, so a message was left with the secretary. To date, there has been no further response.

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The 1984 30 Day Post-General Report disclosed the receipt of two (2) \$5,000 contributions from Citizens for the Republic ("CFR"), a multicandidate committee, on October 24, 1984. A cover letter attached to the report stated that \$5,000 was designated for the primary election and the other \$5,000 for the general election. The letter stated that the Committee only had \$500 in outstanding primary debts at the time of the contribution, resulting in an excessive contribution of \$4,500 per 11 CFR 110.1(a)(2)(i). The Committee attributed the contribution of the excessive amount to misinformation given to Citizens for the Republic. A staff member of the Committee informed them in error that the amount of outstanding debts totalled \$5,000. The letter stated that the \$5,000 was deposited in a separate segregated checking account. The primary debt of \$500 was repaid from this account and the remaining \$4,500 refunded to the contributor. Schedule B of the report itemized the refund made to Citizens for the Republic on December 4, 1984.

An RFAI was sent to the Committee on December 28, 1984, noting the receipt of the excessive contribution and the Committee's refund of the contribution.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(1)(A), states that no person shall make contributions to any candidate and his authorized committees with respect to any Federal office which, in the aggregate, exceeds \$1,000.

2 U.S.C. § 431(a)(A) states that a loan is a contribution.
11 CFR § 100.7(a)(1)(i)(A) states that a loan that exceeds the

contribution limitation is unlawful whether or not the loan is repaid.

2 U.S.C. § 441a(f), states that no candidate or political committee shall knowingly accept or make any expenditure in violation of the \$1,000 aggregate limitation imposed on contributions under this section.

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

The Committee disclosed in its 1984 July Quarterly Report and amended 1984 July Quarterly Report a \$5000 loan from Luz Gomez. The Committee noted in its amended report that the loan had been in fact five \$1,000 loans from five individuals. In addition, the amended report also disclosed a \$5,000 repayment to Luz Gomez. Since the Committee reported a \$5,000 loan from Luz Gomez and the Committee reported a \$5,000 repayment to Luz Gomez. the Office of General Counsel recommends that the find reason to believe and that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A).

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October 15, 1985

Federal Elections Commission
Washington, D.C. 20463
Attn: Mr. George Demougeot

Dear Mr. Demougeot:

This is to confirm our conversation of Friday, October 11, 1985. I am requesting that you allow the Gomez for Congress campaign an extra two weeks to gather more information on the Luz Gomez situation. I appreciate your time in this matter.

Sincerely,



Robert Poe
Treasurer
Gomez for Congress

15 OCT 21 14:02
GENERAL COUNSEL
FED

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5a



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 25, 1985

Robert Poe, Treasurer
Gomez For Congress
334 Pasadena Avenue, E
South Pasadena, CA 91030

RE: MUR 2078

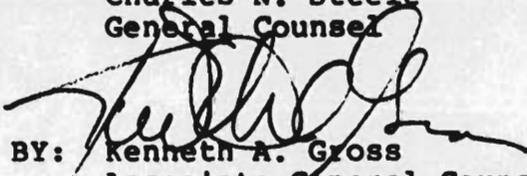
Dear Mr. Poe:

This is in reference to your letter dated October 15, 1985, requesting an extension of two weeks to respond to the Commission's reason to believe notification. After considering the circumstances, discussed in our telephone conversation, the Commission has determined to grant you your requested extension. Accordingly, your response will be due on October 29, 1985.

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

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

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acc# 8852
M 2078

October 31, 1985

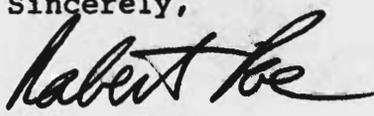
Federal Elections Committee
Washington, D.C. 20463
ATTN: George Demougeot

Dear Mr. Demougeot:

Please find enclosed the three (3) signed statements of the family members who made the \$5,000 contribution to the campaign. It is my contention that the error was an honest oversight, and as I mentioned to you I hope you can impress this fact on the committee that is reviewing this case.

Although the exact amount of the civil penalty has yet to be determined, it is my hope that by providing these three signatories the amount of the penalty can be dramatically reduced from the time that we could provide only one, Luz Gomez.

Again, I am sorry for the delay in providing you with the information. If you have any questions or need further information on this situation, please do not hesitate to contact me or Richard. I look forward to a speedy and equitable settlement to this matter.

Sincerely,

Robert Poe
Treasurer

5 NOV 4 11:57
RECEIVED
GENERAL COUNSEL

87040560918

Federal Elections Commission
Washington, D.C. 20463
ATTN: George Demougeot

Dear Mr. Demougeot:

I hereby certify that I, Bertha Alicia Gutierrez was
a signatory on account number [REDACTED]. I also
certify that I made a \$ 1,000 ~~dollar~~, contribution to the
1984 Gomez For Congress Committee.

Bertha Alicia Gutierrez
Signature

11-1-85
Date

Jose J. Gomez
Witness

87040560919

Federal Elections Commission
Washington, D.C. 20463
ATTN: George Demougeot

Dear Mr. Demougeot:

I hereby certify that I, Camilo Gomez, was
a signatory on account number [REDACTED] I also
certify that I made a \$ 1,000 dollar contribution to the
1984 Gomez For Congress Committee.

Camilo Gomez
Signature

11-1-85
Date

Louis J. Gomez
Witness

87040360920

Federal Elections Commission
Washington, D.C. 20463
ATTN: George Demougeot

Dear Mr. Demougeot:

I hereby certify that I, Ruby Gomez, was
a signatory on account number [REDACTED]. I also
certify that I made a \$ 1,000 dollar contribution to the
1984 Gomez For Congress Committee.

Ruby Gomez
Signature
11-1-85
Date

Luis J. Gomez
Witness

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85 NOV 12 49: 48

MUR 2078

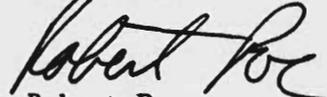
November 7, 1985

Federal Elections Committee
Washington, D.C. 20463
ATTN: George Demougeot

Dear Mr. Demougeot:

As you requested, on behalf of the Gomez '84 Committee, I am asking for pre probable cause reconciliation from the Office of General Counsel. I hope that this will aid you and the Commission in resolving this matter as soon as possible. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,


Robert Poe

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5 NOV 12 P 1: 09

OFFICE OF GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

ED
15 FEB
SENSITIVE

In the Matter of)
)
Gomez for Congress - 1984)
Robert Poe, as treasurer)
Luz Gomez)

MUR 2078 20 MAR 7 All : 36

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The 1984 July Quarterly Report filed by Gomez for Congress - 1984 ("the Committee") disclosed a \$5,000 loan made on June 26, 1984, from Luz Gomez. On August 8, 1984, the Reports Analysis Division ("RAD") sent a Request for Additional Information ("RAI") noting that the loan was a possible excessive contribution. On September 12, 1984, the Committee filed an amended 1984 July Quarterly Report which indicated that the loan had been in fact five \$1,000 loans from five members of the candidate's family. The amended report indicated that the individuals pooled their funds with the candidate's mother, Luz Gomez, and she in turn wrote a check for \$5,000 to the Committee. In addition, the amended report disclosed a \$5,000 repayment of the loan on August 29, 1984, to Luz Gomez.

On August 29, 1985, the Commission found reason to believe the Committee and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from Luz Gomez. In addition, the Commission found reason to believe that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Committee.

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II. FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 431(8)(A) states that a loan is a contribution. 11 C.F.R. § 100.7(a)(i)(A) states that a loan that exceeds the contribution limitations is unlawful whether or not the loan is repaid.

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized committees with respect to any Federal office which, in the aggregate, exceeds \$1,000.

2 U.S.C. § 441a(f) states that no multicandidate political committee shall knowingly accept or make any expenditure in violation of the \$5,000 aggregate limitation imposed on contributions under this section.

2 U.S.C. § 441f states that no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another.

In its response to the reason to believe finding, the Committee provided statements from Luz Gomez and two other family members stating that each had made a \$1,000 contribution and that each was a signatory on the account from which the loan was made. The statements were signed and witnessed, but were not sworn to. The statements indicate that at least \$2,000 of the \$5,000 loan came from sources other than Luz Gomez. The Committee

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did not explain why statements from the remaining two family members were not provided. In addition to the statements the Committee and Luz Gomez requested pre-probable cause to believe conciliation.

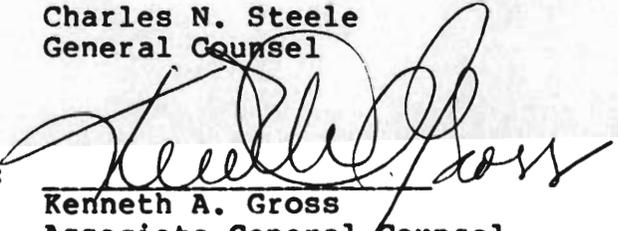
Upon review of the information submitted, questions arose as to whether additional violations are present in this matter. Specifically, it appears as though Luz Gomez may have violated 2 U.S.C. § 441f by making contributions in the name of another. To clarify this information, the Office of General Counsel recommends that the Commission reject the Respondents' request for pre-probable cause to believe conciliation and approve the sending of the attached letter and questions to Luz Gomez to ascertain who, in addition to Luz Gomez, was a signatory on the account from which the loan to the Committee was provided.

III. RECOMMENDATIONS

1. Reject the request of Gomez for Congress - 1984 and Robert Poe, as treasurer, and of Luz Gomez to enter into pre-probable cause to believe conciliation.
2. Approve the attached questions to Luz Gomez.
3. Approve the attached letter.

Charles N. Steele
General Counsel

BY:


Kenneth A. Gross
Associate General Counsel

Date

March 6, 1986

Attachments

- I. Copy of Letter
- II. Copy of Questions

87040:60925

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Gomez for Congress - 1984) MUR 2078
Robert Poe, as treasurer)
Luz Gomez)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 18, 1986, do hereby certify that the Commission decided by a vote of 5-0 to reject the recommendation contained in the General Counsel's March 6, 1986 report on MUR 2078 and instead enter into pre-probable cause to believe conciliation.

Commissioners Aikens, Elliott, Harris, Josefiak, and McDonald voted affirmatively for the decision. Commissioner McGarry was not present at the time of the vote.

Attest:

3/18/86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)

Gomez for Congress - 1984)
Robert Poe, as treasurer)
Luz Gomez)

MUR 2078

17 10:43

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On August 29, 1985, the Commission found reason to believe Gomez for Congress - 1984 ("the Committee") and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from Luz Gomez. In addition, the Commission found reason to believe that Luz Gomez violated 2 U.S.C.

§ 441a(a)(1)(A). By letter dated November 7, 1985, Respondents have requested to settle this matter prior to a finding of probable cause to believe. (Attachment I).

II. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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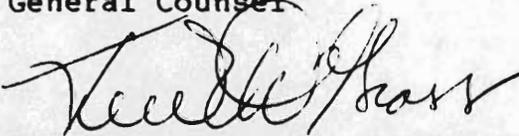
III. RECOMMENDATIONS

1. Enter into pre-probable cause conciliation with Gomez for Congress - 1984 and Robert Poe, as treasurer.
2. Enter into pre-probable cause conciliation with Luz Gomez.
3. Approve the attached conciliation agreements.
4. Approve and send the attached letter.

Charles N. Steele
General Counsel

April 16, 1986
Date

BY:



Kenneth A. Gross
Associate General Counsel

Attachments

- I. Letter from Respondents
- II. Proposed Letter
- III. Conciliation Agreement

Attachments to 4/16/86
GCRpt

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment I see 7

II 12

III 245C§437g(a)(4)(B)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2078
Gomez for Congress - 1984)
Robert Poe, as treasurer)
Luz Gomez)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 21, 1986, the Commission decided by a vote of 5-0 to take the following actions in MUR 2078:

1. Enter into pre-probable cause conciliation with Gomez for Congress - 1984 and Robert Poe, as treasurer.
2. Enter into pre-probable cause conciliation with Luz Gomez.
3. Approve the conciliation agreements, as recommended in the General Counsel's Report signed April 16, 1986.
4. Approve and send the letter, as recommended in the General Counsel's Report signed April 16, 1986.

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

Attest:

4-21-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	Thurs.,	4-17-86,	10:43
Circulated on 48 hour tally basis:	Thurs.,	4-17-86,	4:00
Deadline for vote:	Mon.,	4-21-86,	4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 1986

86 MAY 27 9:41

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OFFICE OF THE
GENERAL COUNSEL

Robert Poe, Treasurer
Gomez for Congress - 1984
334 Pasadena Avenue, E
South Pasadena, CA 91030

RE: MUR 2078

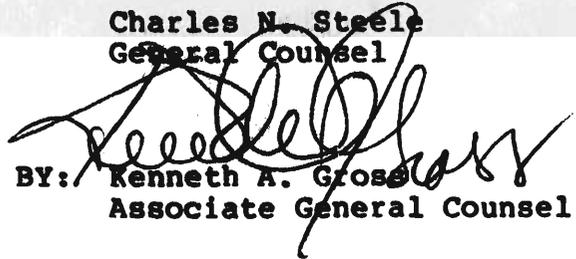
Dear Mr. Poe:

On August 29, 1985, the Commission found reason to believe that Gomez for Congress and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f). In addition, the Commission found reason to believe that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A). At your request, the Commission determined on April 21, 1986, to enter into negotiations directed towards reaching conciliation agreements in settlement of this matter prior to a finding of probable cause to believe.

Enclosed are conciliation agreements that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreements, please sign and return them along with the civil penalties, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreements, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreements, please contact George Demougeot, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Grosse
Associate General Counsel

Enclosure

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86 MAY 19 1:40
86-0008

LLOYD S. PANTELL

A LAW CORPORATION

1880 CENTURY PARK EAST

SUITE 618

LOS ANGELES, CALIFORNIA 90067

Of Counsel:
REINSTEIN, CALKINS & RICE

86-1381
FILE NO.

86 MAY 19 4:12
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OFFICE OF THE
GENERAL COUNSEL

LLOYD S. PANTELL

DEAN M. PURETZ

May 15, 1986

George Demougeot
Staff Counsel
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: MUR2078

Dear Mr. Demougeot:

The purpose of this letter is to memorialize the telephone conversation held between our respective offices on May 14, 1986. In particular, the following matters were discussed and/or resolved:

- 1) Robert Poe is not and never was Treasurer for the Gomez for Congress - 1984 Committee.
- 2) While Mr. Poe was Treasurer for Gomez for Congress - 1986, he tendered his resignation to the campaign in January, 1986.
- 3) At the time that Luz Gomez made a loan of \$5,000 to Gomez for Congress - 1984, Mr. Poe was in no way associated with such campaign, nor was he an officer of same.
- 4) The Treasurer of the Gomez for Congress - 1984 Campaign was Joel Correa.
- 5) At the time that the Commission determined to enter into negotiations directed towards reaching conciliation (i.e., April 21, 1986), Mr. Poe had already disassociated himself with the Gomez for Congress - 1986 Campaign for a period of over ninety (90) days.

It is my understanding that based upon the foregoing, Mr. Poe has been cleared of any ostensible wrongdoing or association with the alleged violations of 2 U.S.C. 441a(f). If such is not the case, please advise immediately upon receipt of this letter.

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George Demougeot
Staff Counsel
Federal Election Commission
May 15, 1986
Page 2

If I do not hear from you within the next two (2) weeks, I will presume that this matter has been satisfactorily concluded as regards Mr. Poe and that this file can be accordingly closed.

Very truly yours,

LLOYD S. PANTELL,
A LAW CORPORATION,

By: 
LLOYD S. PANTELL

LSP/sg
cc: Robert Poe

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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OFFICE OF THE FEC
COMMISSION SECRETARY

86 JUL 28 AM 17

1985
July 25, 1986

SENSITIVE

MEMORANDUM

TO: The Commission
FROM: Charles N. Steels
General Counsel *CS*
SUBJECT: MUR 2078

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on July 25, 1986. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

- I. Brief
- II. Letter to Respondent

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14a

SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1986

Richard Gomez
Gomez for Congress - 1984
1807 Hansconi Drive
South Pasadena, CA 91030

RE: MUR 2078

Dear Mr. Gomez:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by the Respondents the Federal Election Commission, on August 29, 1985, found reason to believe that Gomez for Congress - 1984 and Richard Gomez, as treasurer, violated 2 U.S.C. § 441a(f), and that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A).

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

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

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

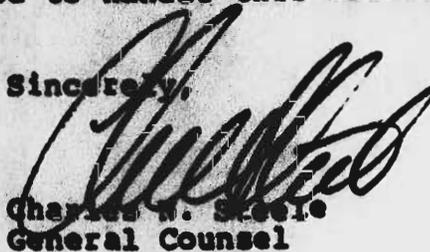
A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

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148

Should you have any questions, please contact George Demougeot, the staff member assigned to handle this matter, at (202) 376-8200.

Sincerely,



Charles W. Steele
General Counsel

Enclosure
Brief

87040560936

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Gomez for Congress - 1984) MUR 2078
and Richard Gomez, as treasurer)
Luz Gomez)

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

The 1984 July Quarterly Report filed by Gomez for Congress - 1984 ("the Committee") disclosed a \$5,000 loan made on June 26, 1984, from Luz Gomez. On August 8, 1984, the Reports Analysis Division ("RAD") sent a Request for Additional Information ("RAFI") noting that the loan was a possible excessive contribution. On September 12, 1984, the Committee filed an amended 1984 July Quarterly Report which indicated that the reported loan was, in fact, comprised of five \$1,000 loans from five members of the candidate's family. The amended report indicated that the individuals pooled their funds with the candidate's mother, Luz Gomez, and that she in turn wrote a check for \$5,000 to the Committee. In addition, the amended report disclosed a \$5,000 repayment of the loan on August 29, 1984, to Luz Gomez.

On August 29, 1985, the Commission found reason to believe the Committee and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from Luz Gomez. In addition, the Commission found reason to believe that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Committee.

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II. Legal Analysis

2 U.S.C. § 431(8)(A) states that a loan is a contribution. 11 C.F.R. § 100.7(a)(i)(A) states that a loan that exceeds the contribution limitations is unlawful whether or not the loan is repaid.

2 U.S.C. § 441a(a)(1)(A) states that no person shall make contributions to any candidate and his authorized committees with respect to any Federal office which, in the aggregate, exceeds \$1,000.

2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept or make any expenditure in violation of the \$1,000 aggregate limitation imposed on contributions under this section.

In its response to the reason to believe finding, the Committee provided statements from Luz Gomez and two other family members stating that each had made a \$1,000 contribution and that each was a signatory on the account from which the loan was made. The statements indicate that at least \$2,000 of the \$5,000 loan came from sources other than Luz Gomez. Pursuant to the Commission's earlier directive in this matter, the statements indicate that the balance of \$3,000 would be attributable to Luz Gomez. The Committee did not explain why statements from the remaining two family members were not provided.

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The Commission approved pre-probable cause to believe conciliation with the Committee on April 21, 1986. Letters were sent on April 24 and resent to a newly named treasurer on May 14, 1986. The newly named treasurer is Richard Gomez. To date, no response has been received from the Committee. Since the Committee accepted a contribution in excess of statutory limits from Luz Gomez, the Office of General Counsel recommends that the Commission find probable cause to believe that Gomez for Congress - 1984 and Richard Gomez, as treasurer, violated 2 U.S.C. § 441a(f). Also, since Luz Gomez made a contribution in excess of statutory limits, the Office of General Counsel recommends that the Commission find probable cause to believe that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A).

III. General Counsel's Recommendations

1. Find probable cause to believe that Gomez for Congress - 1984 and Richard Gomez, as treasurer, violated 2 U.S.C. § 441a(f).
2. Find probable cause to believe that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A).
3. Approve the proposed letter.

24 July 1986
Date



Charles N. Steele
General Counsel

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

**RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY**

In the Matter of)
)
Gomez for Congress - 1984)
and Richard Gomez, as treasurer)
Luz Gomez)

MUR 2078
06 OCT 14 AIO: 18

EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

OCT 21 1986

I. Background

The 1984 July Quarterly Report filed by Gomez for Congress - 1984 ("the Committee") disclosed a \$5,000 loan made on June 26, 1984, from Luz Gomez. On September 12, 1984, the Committee filed an amended 1984 July Quarterly Report which indicated that the reported loan was, in fact, comprised of five \$1,000 loans from five members of the candidate's family. The amended report indicated that the individuals pooled their funds with the candidate's mother, Luz Gomez, and that she in turn wrote a check for \$5,000 to the Committee.

On August 29, 1985, the Commission found reason to believe the Committee and Robert Poe, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from Luz Gomez. In addition, the Commission found reason to believe that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to the Committee.

The Commission approved pre-probable cause to believe conciliation with the Committee on April 21, 1986. Letters were sent on April 24 and resent to a newly named treasurer on May 14, 1986. The newly named treasurer is Richard Gomez. No response was received from the Committee. On July 15, 1986, this Office forwarded its brief on this matter to the respondents. To date, they have not replied.

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II. Legal Analysis

See OGC Brief of July 24, 1986. Since the Committee accepted a contribution in excess of statutory limits from Luz Gomez, the Office of General Counsel recommends that the Commission find probable cause to believe that Gomez for Congress - 1984 and Richard Gomez, as treasurer, violated 2 U.S.C. § 441a(f). Also, since Luz Gomez made a contribution in excess of statutory limits, the Office of General Counsel recommends that the Commission find probable cause to believe that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A).

III. Discussion of Conciliation and Civil Penalty

IV. Recommendations

1. Find probable cause to believe that Gomez for Congress - 1984 and Richard Gomez, as treasurer, violated 2 U.S.C. § 441a(f).

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2. Find probable cause to believe that Luz Gomez violated 2 U.S.C. § 441a(a) (1) (A).
3. Approve the proposed conciliation agreements and letters.

10 Oct 1986
Date


Charles N. Steele
General Counsel

Attachments

- I. Proposed Conciliation Agreements (2)
- II. Letters to Respondents (2)

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Attachments to 10-10-86
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have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment 1 see 24 USC § 437g (a)(4)(B)(i)

<u>2</u>	<u>17</u>
_____	_____
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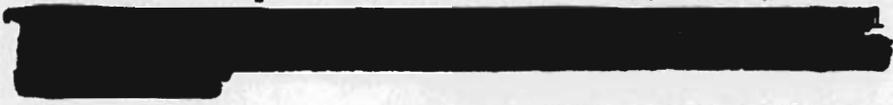
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Gomez for Congress - 1984) MUR 2078
and Richard Gomez, as treasurer)
Luz Gomez)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of October 21, 1986, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2078:

1. Find probable cause to believe that Gomez for Congress - 1984 and Richard Gomez, as treasurer, violated 2 U.S.C. § 441a(f).
2. Find probable cause to believe that Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A).
3. Approve and send the proposed conciliation agreements and letters attached to the General Counsel's report dated October 10, 1986,



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

Attest:

10-22-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 24, 1986

Luz Gomez
1807 Hanscom Drive
South Pasadena, CA 91030

RE: MUR 2078
Luz Gomez

Dear Ms. Gomez:

On October 21, 1986, the Commission determined that there is probable cause to believe you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with forwarding a \$3000 loan to the Gomez for Congress - 1984 committee.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion. If we are unable to reach an agreement during this period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 24, 1986

Richard Gomez, Treasurer
Gomez for Congress - 1984
1807 Hanscom Drive
South Pasadena, CA 91030

RE: MUR 2078
Gomez for Congress - 1984
Richard Gomez, Treasurer

Dear Mr. Gomez:

On October 21, 1986, the Commission determined that there is probable cause to believe Gomez for Congress - 1984 and you as treasurer, committed a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with accepting a loan in the amount of \$3,000 from Luz Gomez.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion. If we are unable to reach an agreement during this period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact John Drury, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 23, 1986

Luz Gomez
2408 Hendricks Avenue
Monterrey Park, CA 91754

RE: MUR 2078
Luz Gomez

Dear Ms. Gomez:

On October 21, 1986, the Commission determined that there is probable cause to believe you violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with forwarding a \$3000 loan to the Gomez and that he believes you have received it, since it has not been returned to him unclaimed.

Therefore, it appears likely that you are already fully apprised of the status of this matter. Under the circumstances, and given the amount of time and effort already expended to nu agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

This marks our second attempt to notify you in writing of the Commission's actions in this matter, not including the numerous occasions on which we have attempted to reach you by telephone. This Office previously forwarded a substantially identical letter to you at the address which you provided us:

1807 Hanscom Drive
South Pasadena, CA 91030.

We have since discovered that this is the address of the former treasurer of the Gomez for Congress - 1984 committee,

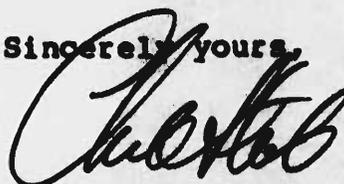
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Mr. Joel Correa. On December 11, 1986, Mr. Correa informed my staff that he had forwarded this correspondence to you at the address appearing in the heading of this letter and that he believes you have received it, since it has not been returned to him unclaimed.

Therefore, it appears likely that you are already fully apprised of the status of this matter. Under the circumstances, and given the amount of time and effort already expended to notify you of the Commission's action, I strongly advise you to contact the Office of the General Counsel within five days of your receipt of this letter. Please contact John Drury or Lee Andersen at (202) 376-8200.

Sincerely yours,



Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Richard Gomez, Treasurer
Gomez for Congress - 1984
2408 Hendricks Avenue
Monterrey Park, CA 91754

RE: MUR 2078
Gomez for Congress - 1984
Richard Gomez, Treasurer

Dear Mr. Gomez:

On October 21, 1986, the Commission determined that there is probable cause to believe Gomez for Congress - 1984 and you as treasurer, committed a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with accepting a loan in the amount of \$3,000 from Luz Gomez.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion. If we are unable to reach an agreement during this period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

This marks our second attempt to notify you in writing of the Commission's actions in this matter, not including the numerous occasions on which we have attempted to reach you by telephone. This Office previously forwarded a substantially identical letter to you at the address which you provided us:

1807 Hanscom Drive
South Pasadena, CA 91030.

We have since discovered that this is the address of the former treasurer of the Gomez for Congress - 1984 committee,

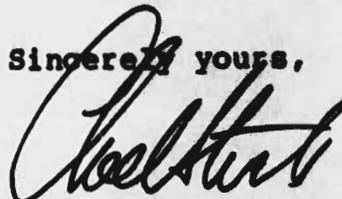
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Mr. Joel Correa. On December 11, 1986, Mr. Correa informed my staff that he had forwarded this correspondence to you at the address appearing in the heading of this letter and that he believes you have received it, since it has not been returned to him unclaimed.

Therefore, it appears likely that you are already fully apprised of the status of this matter. Under the circumstances, and given the amount of time and effort already expended to notify you of the Commission's action, I strongly advise you to contact the Office of the General Counsel within five days of your receipt of this letter. Please contact John Drury or Lee Andersen at (202) 376-8200.

Sincerely yours,



Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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QCC# 2433

RICHARD GOMEZ-H
A PROFESSIONAL LAW CORPORATION

999 NORTH GARFIELD AVENUE
MONTEBELLO, CALIFORNIA 90640
(213) 784-0033 • (213) 627-0044

December 31, 1986

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

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JAN 8 P 3: 33

GENERAL INVESTIGATIVE DIVISION

RE: MUR 2078
Luz Gomez

Dear Mr. Steele:

Enclosed please find an executed Conciliation Agreement and a check in the amount of three hundred (\$300.00) dollars.

The lateness in responding to your correspondence is a result of confusion with a forwarding address. I have moved from 2408 Hendricks Monterey Park, and my parents, William and Luz Gomez, now live in that home. At the time that I moved an incorrect forwarding address was given to the Post Office. When the error was discovered and corrected several pieces of mail were placed in a dead file. Now that the correction has been made we have begun to receive our mail intended for us in October through mid-December.

For any future correspondence please address as follows:

Richard Gomez
420 Hermosa Vista
Monterey Park, California
91754
(818) 300-0004

Very Truly Yours,

Richard Gomez-H
Richard Gomez-H

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RICHARD GOMEZ-H
A PROFESSIONAL LAW CORPORATION

888 NORTH GARFIELD AVENUE
MONTEBELLO, CALIFORNIA 90640
(213) 784-0033 • (213) 687-0044

John Drury
Attorney At Law
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 2078
Gomez For Congress 1984

87 JAN 9 P 3: 20

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Dear Mr. Drury:

Pursuant to our conversation of this date, enclosed please find a check in the amount of five hundred (\$500.00) dollars, and the signed Conciliation Agreement.

Should any additional information be needed please address all future correspondence as follows:

Richard Gomez
420 Hermosa Vista
Monterey Park, California 91754
(818) 300-0004

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Thank you for all of your consideration.

Very Truly Yours,

Richard Gomez-H
Richard Gomez-H
A Professional Law Corporation

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Gomez for Congress - 1984)
Richard Gomez, as treasurer)
Luz Gomez)

MUR 20782

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FEDERAL ELECTION COMMISSION
SECRETARY

GENERAL COUNSEL'S REPORT

BACKGROUND

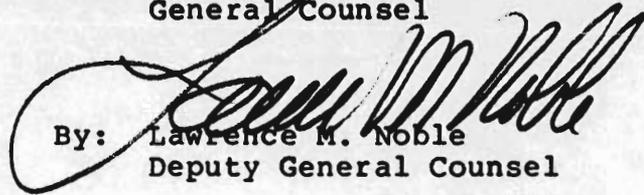
Attached are conciliation agreements which have been signed by the respondents.

The attached agreements contain no changes from the agreements approved by the Commission. Civil penalty checks have been received from the respondents.

RECOMMENDATIONS

1. Approve the attached conciliation agreements with Gomez for Congress - 1984, Richard Gomez, as treasurer, and Luz Gomez.
2. Approve the attached letters.
3. Close the file.

Charles N. Steele
General Counsel

By: 
Lawrence M. Noble
Deputy General Counsel

2/11/87
Date

- Attachments
- Conciliation Agreements
 - Civil Penalty Checks
 - Proposed Letters

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RICHARD GOMEZ-H, ATTORNEY AT LAW
 GENERAL BUSINESS ACCOUNT
 BROADWAY PLAZA PH 213-627-0044
 700 S. FLOWER ST. SUITE 410
 LOS ANGELES, CA 90017

EXPLANATION	AMOUNT

1313

16-339
1220

COUNT Five hundred dollars

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	DOLLARS
5-8	UNITED STATES	Treasurer	MUR 2078	1313

CHECK AMOUNT

\$ 570.00

SUMITOMO BANK OF CALIFORNIA - MONTEREY PARK OFFICE
 2107 ATLANTIC BLVD MONTEREY PARK, CA 91754

Richard Gomez-H

4
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6
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5
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0

CCC# 2448

MEMORANDUM

TO: Debra A. Reed

TO: Judy Smith

FROM: Judy Smith

FROM: Debra A. Reed

CHECK NO. 1313 (a copy of which is attached)

TO MUR 2078 AND NAME Gomez for Congress - 1984
Richard Gomez, as Treasurer

WAS RECEIVED ON 1/12/87. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

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

SIGNATURE Debra A. Tummert DATE 1/13/87

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JAN 12 AIO:34

Attachment II Page 1

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Drury



RICHARD GOMEZ-H, ATTORNEY AT LAW
GENERAL BUSINESS ACCOUNT
BROADWAY PLAZA PH. 213-627-0044
700 S. FLOWER ST. SUITE 410
LOS ANGELES, CA 90017

EXPLANATION	AMOUNT

1310

16-339
1220

JUNT Three hundred dollars

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	DOLLARS
3/28/87	Treasurer of the United States	Re: MUR 2078 Luz Gomez	1310	

CHECK AMOUNT

\$ 300.00

SUMITOMO BANK OF CALIFORNIA - MONTEREY PARK OFFICE
2107 ATLANTIC BLVD. MONTEREY PARK, CA 91754

Richard Gomez-H

MEMORANDUM

TO: Debra A. Reed

TO: Judy Smith

FROM: Judy Smith

FROM: Debra A. Reed

CHECK NO. 1310 (a copy of which is attached) RELATING

TO MUR 2078 AND NAME Luz Gomez

WAS RECEIVED ON 1/18/87. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

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

SIGNATURE Debra A. Reed

DATE 1/19/87 70

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Gomez for Congress - 1984) MUR 2078
Richard Gomez, as treasurer)
Luz Gomez)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 17, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2078:

1. Approve the conciliation agreements with Gomez for Congress - 1984, Richard Gomez, as treasurer, and Luz Gomez, as recommended in the General Counsel's Report signed February 11, 1987.
2. Approve the letters, as recommended in the General Counsel's Report signed February 11, 1987.
3. Close the file.

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

Attest:

2/18/87
Date

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

Received in the Office of Commission Secretary: Thurs., 2-12-87, 11:13
Circulated on 48 hour tally basis: Thurs., 2-12-87, 4:00
Deadline for vote: Tues., 2-17-87, 4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 19, 1987

Richard Gomez, Esquire
420 Hermosa Vista
Monterey Park, California 91754

RE: MUR 2078
Gomez for Congress - 1984
Richard Gomez, as treasurer

Dear Mr. Gomez:

On February 17, 1987, the Commission accepted the conciliation agreement signed by you and a civil penalty check 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

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

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Gomez for Congress - 1984)
Richard Gomez, as treasurer) MUR 2078
)

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 Gomez for Congress - 1984 and Richard Gomez, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from Luz Gomez.

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

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

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

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

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

1. Respondent Gomez for Congress - 1984 was the principal campaign committee for Richard Gomez in 1983-1984.

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2. Respondent Richard Gomez is the treasurer for Gomez for Congress - 1984.

3. In 1984 Luz Gomez made a loan of \$5,000 to Gomez for Congress - 1984 for use in the general election campaign.

4. Statements from Bertha Gutierrez and Camelo Gomez indicate that at least \$2,000 of the \$5,000 loan came from sources other than Luz Gomez, leaving the balance of \$3,000 attributable to Luz Gomez.

5. 2 U.S.C. § 431(8)(A) states that a loan is a contribution. 11 C.F.R. § 100.7(a)(1)(i)(A) states that a loan that exceeds the contribution limitation is unlawful whether or not the loan is repaid.

6. 2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution in violation of the \$1,000 aggregate limitation imposed on contributions under this section.

V. The Respondents' acceptance of a \$3,000 contribution from Luz Gomez was in excess of the contribution limitations by \$2,000 in violation of 2 U.S.C. § 441a(f).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred Dollars (\$500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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

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

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

2/19/87
Date

FOR THE RESPONDENTS:

Richard King

Jan. 5, 1987
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

plm

February 19, 1987

Luz Gomez
420 Hermosa Vista
Monterey Park, California 91754

RE: MUR 2078
Luz Gomez

Dear Ms. Gomez:

On February 17, 1987, the Commission accepted the conciliation agreement signed by you and a civil penalty check in settlement of a violation of 2 U.S.C. § 441a(a)(1)(A), 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

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

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Luz Gomez)

MUR 2078)

87 FEB 5 10:30
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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 Luz Gomez violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive contribution to Gomez for Congress - 1984.

NOW, THEREFORE, the Commission and Respondent, 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 Respondent, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

III. Respondent enters voluntarily into this agreement with the Commission.

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

1. Gomez for Congress - 1984 was the principal campaign committee for Richard Gomez in 1983-1984.

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2. In 1984 Respondent Luz Gomez made a loan of \$5,000 to Gomez for Congress - 1984 for use in the general election campaign.

3. Statements from Bertha Gutierrez and Camelo Gomez indicate that at least \$2,000 of the \$5,000 loan came from sources other than Luz Gomez, leaving the balance of \$3,000 attributable to Luz Gomez.

4. 2 U.S.C. § 431(8) (A) states that a loan is a contribution. 11 C.F.R. § 100.7(a) (1) (i) (A) states that a loan that exceeds the contribution limitation is unlawful whether or not the loan is repaid.

5. 2 U.S.C. § 441a(a) (1) (A) states that no person shall make any contribution in violation of the \$1,000 aggregate limitation imposed on contributions under this section.

V. The Respondent's contribution of \$3,000 to Gomez for Congress - 1984 was in excess of the contribution limitation by \$2,000, in violation of 2 U.S.C. § 441a(a) (1) (A).

VI. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of Three Hundred Dollars (\$300), pursuant to 2 U.S.C. § 437g(a) (5) (A).

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

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action for relief in the United States District Court for the District of Columbia.

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

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

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

FOR THE COMMISSION:

Charles N. Steele
General Counsel

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

3/25/87
Date

FOR THE RESPONDENTS:

Luz Gomez

January 15, 1987
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2078

DATE FILMED 10/29/87 CAMERA NO. 3

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