



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 2123
DATE FILMED 10/29/87 CAMERA NO. 3
CAMERAMAN GPC

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PUBLIC RECORD INDEX - MUR 2123

1. Complaint, dtd 14 Jan 86, filed by Michael E. Avakian, attorney for Jeffrey Ryan.
2. Notification Ltrs, 23 Jan 86, FEC to: a) Anthony Luty (United Food and Commercial Workers - Active Ballot Club); b) Charles A. Hayes (Treas., 1984 Hayes for Congress Committee); c) The Nonorable Charles A. Hayes.
3. Ltrs, 23 Jan 86, FEC to: a) Jeffrey W. Ryan; b) Michael Ernest Avakian (Center on National Labor Policy).
4. Ltr, 4 FEB 86, Edward P. Wendel (Assistant General Counsel, UFCW) to FEC, w/atch (Designation of Counsel).
5. Ltr, 25 Feb 86, Charles A. Hayes to FEC.
6. First General Counsel's Report, 6 May 86.
7. Memo, 10 May 86, Office of Cmsn Secretary (OCS) to Office of Gen Counsel (OGC), Subj: 1st G.C. Rpt.
8. Memo, 19 May 86, Reports Analysis Division (RAD) to General Counsel, Subj: Proposed Information Notice (IN) to UFCW Active Ballot Club.
9. Memo, 19 May 86, RAD to G.C., Subj: Proposed Request for Additional Information (RAI) to UFCW Active Ballot Club.
10. General Counsel's Report, 8 May 86.
11. Certification of Commission Action, 14 May 86.
12. Ltrs, 21 May 86, John Warren McGarry (Vice Chsirman, FEC) to: a) Congressman Charles A. Hayes, b) United Food and Commercial Workers Local 100, c) United Food and Commercial Workers Local P-500.
13. Ltr, 21 May 86, FEC to Edward P. Wendel, Subj: No reason to believe re: UFCW Active Ballot Club and Anthony Luty, as Treasurer.
14. Ltr, 30 May 86, Roger L. Farmer, President UFCW Local 500P to FEC.
16. Ltr, 20 Jun 86, R.F. Friedman (Counsel to 1984 Hayes for Cong. Cmte. and Charles A. Hayes, as Treas.) to FEC.
17. Ltr, 8 Jul 86, L.M. Noble to R.F. Friedman.
18. Ltr, 8 Jul 86, L.M. Noble to Charles A. Hayes.

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19. Designation of Attorney Statement, 18 Jul 86 (Herbert V. Adams designated counsel to UFCW, Local 500P).
20. Ltr, 30 Jul 86, Herbert V. Adams to FEC, w/atch (Affidavit of Charles Barton - unsigned).
21. Ltr, 18 Aug 86, H.V. Adams to FEC (Affidavit of Charles Barton).
22. Ltr, 29 Oct 86, H.V. Adams to FEC.
23. Ltr, 6 Nov 86, H.V. Adams to FEC.
24. Ltr, 15 Dec 86, C.N. Steele to Earl L. Neal, w atch (General Counsel's Brief re: Charles A. Hayes, 1984 Hayes for Cong. Cmte. and James L. Wright as Treas.).
25. Ltr, 15 Dec 86, C.N. Steele to H.V. Adams, III, w/atch (G.C. Brief re: UFCW Local 500P).
26. Ltr, 15 Dec 86, L.M. Noble to E.P. Wendel, w/atch (G.C. Brief re: UFCW Local 100A).
27. Memo, 15 Dec 86, C.N. Steele to the Commission.
28. Ltr, 23 Dec 86, Richard F. Friedman to FEC, w atch.
29. Memo, 15 Jan 87, L.M. Noble to the Commission.
30. Memo, 16 Jan 87, OCS , Subj: Objections to 1/15/87 memo.
31. Memo, 20 Jan 87, OCS to OGC, Subj: Objection to 1/15/87 memo.
32. Memo, 21 Jan 87, OCS to OGC, Subj: Objections to 1/15/87 memo.
33. Certification of Commission Action, dtd 2 Feb 87.
34. Ltr, 4 Feb 87, L.M. Noble to R.F. Friedman.
35. General Counsel's Report, 25 Mar 87.
36. Certification of Commission Action, 1 Apr 87.
37. Ltr, 3 Apr 87, L. M. Noble to Herbert V. Adams, III.
38. Ltr, 3 Apr 87, L.M. Noble to E.P. Wendel.
39. Ltr, 3 Apr 87, L.M. Noble to R.F. Friedman.

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40. Statement of Designation of Counsel, 30 Apr 87, William C. Oldaker named Counsel for Charles A. Hayes.
41. Ltr, 6 Jul 87, R.F. Friedman to FEC, w/encl.
42. General Counsel's Report, 17 Jul 87.
43. Certification of Commission Action, 22 Jul 87.
44. Ltr, 24 Jul 87, L.M. Noble to R.F. Friedman, w/atch (executed conciliation agreement).
45. Ltr, 24 Jul 87, L.M. Noble to Michael E. Avakian.
46. Closing Ltrs, L.M. Noble to: a) H.V. Adams III; b) Edward P. Wendel.
47. Ltr, 15 Sept 87, C.A. Hayes to FEC, w/encl (civil penalty check).

-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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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

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RECEIVED
GENERAL COUNSEL

Jeffrey W. Ryan)
4757 Parkman Court)
Annandale, Virginia 22003,)

Complainant,)

v.)

MUR No. 2123

Charles A. Hayes)
Hayes for Congress Committee)
United Food and Commercial Workers)
Union - Active Ballot Club, and the)
Committees' treasurers,)

Respondents.)

INTRODUCTION

1. Pursuant to 2 U.S.C. § 437g(a)(1), Jeffrey W. Ryan brings this complaint against Charles A. Hayes, Hayes for Congress Committee, and the UFCW-Active Ballot Club and all the Committees' treasurers individually and in their capacities as treasurers, for the making and receiving of excessive contributions in violation of 2 U.S.C. § 441a(f) and 2 U.S.C. § 441a(a)(2)(A) during the 1984 federal general election cycle.

II. PARTIES

2. Complainant is Jeffrey W. Ryan who resides at 4757 Parkman Court, Annandale, Virginia 22003. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Virginia.

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Respondents are:

- a. Charles A. Hayes,
1028 Longworth House Office Building
Washington, DC 20515.
- b. Hayes for Congress Committee,
4859 South Wabash
Chicago, Illinois 60615.
- c. United Food and Commercial Workers Union-Active
Ballot Club
1775 K Street, N.W.
Washington, DC 20006.

III. LIABILITY

3. Liability may be imposed upon the candidate, Charles A. Hayes, Hayes for Congress Committee, and United Food and Commercial Workers Union-Active Ballot Club pursuant to 2 U.S.C. § 441a(a)(2)(A) which establishes the \$5,000.00 (FIVE THOUSAND DOLLARS) maximum contribution ceiling and 2 U.S.C. § 441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of \$5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers, pursuant to 11 C.F.R. § 104.14(d).

IV. OVERVIEW

5. Based on Complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00

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(FIVE THOUSAND DOLLARS) for the 1984 federal general election in which Charles A. Hayes was a candidate for public office.¹ Complainant bases his belief on a review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Charles A. Hayes, Hayes for Congress Committee, and United Food and Commercial Workers Union-Active Ballot Club filed for the 1984 federal general election.

6. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. § 441a(a)(2)(A), which provides that a multicandidate political committee may not contribute more than \$5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office, § 441a(f) which prohibits a candidate from receiving illegal contributions, and 11 C.F.R. § 103.3(b) which requires that excessive contributions be refunded.

7. In addition, Charles A. Hayes and the Hayes for Congress Committee failed to report contributions from other multi-candidate political committees in violation of 2 U.S.C. § 434(b)(2)(D) and to timely report those contributions within the

¹Charles A. Hayes is a former international vice president and director of the United Food and Commercial Union, AFL-CIO.

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applicable reporting period of the date and amount of such contributions, in violation of 2 U.S.C. § 434(b)(3)(B).

**V. VIOLATIONS OF THE F.E.C.A.
BY
HAYES FOR CONGRESS COMMITTEE
IN THE
1984 FEDERAL PRIMARY AND GENERAL ELECTIONS**

8. Based on a review of the periodic report, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Charles A. Hayes, Hayes for Congress Committee, and its treasurer, in violation of 2 U.S.C. § 441a(f), knowingly accepted contributions for the 1984 federal general election from United Food and Commercial Workers Union-Active Ballot Club ("UFCW-ABC") in the amount of \$9,500.00 (NINE THOUSAND FIVE HUNDRED DOLLARS).

9. Candidate Charles A. Hayes, Hayes for Congress Committee and its treasurer, for the 1984 federal general election, accepted contributions from UFCW-ABC in the following amounts:

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<u>Date Received</u>	<u>Amount</u>	<u>FEC Microfilm Location</u>
4/13/84	\$ 500.00	8401-262-1072
4/28/84	\$2,500.00	8401-262-1072
10/18/84	\$1,500.00	8401-280-2667
10/20/84	"	"
10/03/84	\$ 500.00	8401-277-0265 ²
not reported	\$5,000.00	---
TOTAL	\$10,000.00	(reported general election violation)
	\$ 9,500.00	(actual general election violation)

10. The unreported \$5,000.00 contribution was contributed by UFCW-ABC on August 15, 1983. (See Microfilm #8303-283-2060). It was designated for the general election. The failure to report this contribution violates 2 U.S.C. § 434(b)(2)(D).

11. The Illinois primary was held on March 20, 1984.

12. In addition, the Hayes for Congress Committee failed to report contributions of \$3,000.00 and \$2,000.00 contributed to it by UAW-V-CAP on September 26, 1983 and December 7, 1983 respectively. See Microfilm locations 8303-284-3680 and 8403-291-1810. Similarly the Hayes for Congress Committee failed to report a \$5,000.00 contribution by AFSCME-QUALIFIED given on

²This report appears to profile a \$500.00 contribution by UFCW-ABC made to Hayes for Congress Committee on January 27, 1984 which was designated by UFCW-ABC for the primary campaign, not the general election campaign as reported by the Hayes for Congress Committee. See Microfilm #8401-255-3489. This late report by Hayes for Congress Committee violates 2 U.S.C. § 434(b)(3)(B).

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August 15, 1983. See Microfilm location 8303-283-2783. These reporting omissions violate 2 U.S.C §§ 434(b)(2)(D), 434(b)(3)(B).

**VI. VIOLATIONS OF THE F.E.C.A.
BY
UFCW-ABC
IN THE
1984 FEDERAL PRIMARY ELECTION**

13. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that UFCW-ABC, for the 1984 federal general election designated and therefore contributed to candidate Charles A. Hayes, Hayes for Congress Committee and its treasurer a total of \$9,500.00 (NINE THOUSAND FIVE HUNDRED DOLLARS).

14. UFCW-ABC contributed the following amounts designated for the general election:

a. On August 15, 1983, UFCW-ABC contributed \$5,000.00. (See F.E.C. Microfilm #8303-283-2060).

b. On April 23, 1984, UFCW-ABC contributed \$500.00. (See F.E.C. Microfilm #8403-314-4892).

c. On April 9, 1984, UFCW-ABC contributed \$2,500.00. (See F.E.C. Microfilm #8403-314-4889).

d. On October 3, 1984, UFCW-ABC contributed \$500.00. (See F.E.C. Microfilm #8401-277-0265).

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e. On October 11, 1984, UFCW-ABC contributed \$500.00.
(See F.E.C. Microfilm #8403-345-1267).

f. On October 16, 1984, UFCW-ABC contributed \$1,000.00.
(See F.E.C. Microfilm #8403-345-1269).

15. A running total of the amount contributed to Charles A. Hayes, Hayes for Congress Committee and its treasurer by UFCW-ABC, would have put them on notice that as of August 15, 1983, they had contributed \$5,000.00 (FIVE THOUSAND DOLLARS) towards the general election. In violation of 2 U.S.C. § 441a(a)(2)(A), UFCW-ABC made additional contributions to the general election which exceeded the \$5,000.00 (FIVE THOUSAND DOLLARS) ceiling by \$4,500.00 (FOUR THOUSAND FIVE HUNDRED DOLLARS).

16. A total of \$13,500.00 was contributed to Charles A. Hayes, the Hayes for Congress Committee and its treasurer by UFCW-ABC for the 1984 primary and general election efforts.

X. CONCLUSION

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

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18. Complainant requests that an investigation into this complaint be undertaken, that Respondent Charles A. Hayes, the Hayes for Congress Committee and its treasurer be ordered to return the accepted excess contributions pursuant to 11 C.F.R. § 103.3(b) and that civil sanctions and fines be imposed on all the Respondents.



Michael Ernest Avakian
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorney for Complainant

January 14, 1986

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VERIFICATION OF CITIZEN COMPLAINT

County of Fairfax)
Commonwealth of Virginia)

ss.

Pursuant to 2 U.S.C. § 437g(a)(1), I, Jeffrey W. Ryan, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Virginia.

Jeffrey W. Ryan

Subscribed and sworn to before me this 13 day of JANUARY
_____ 1986.

Barbara A. McMullin
Notary Public

My Commission expires:

My Commission Expires November 10, 1988

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DESIGNATION OF COUNSEL

I, Jeffrey W. Ryan, a complainant to the attached complaint designate the attorney identified below as complainant's attorney of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

JANUARY 13, 1986
Date

Jeff W. Ryan
Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 23, 1986

Anthony Luty
United Food and Commercial
Workers-Active Ballot Club
1775 K Street, N.W.
Washington, D.C. 20006

Re: MUR 2123

Dear Mr. Luty:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that the United Food and Commercial Workers-Active Ballot Club and you, as Treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2123. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the United Food and Commercial Workers-Active Ballot Club and you, as Treasurer, in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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

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

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If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter at (202)376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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2a



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 23, 1986

Charles A. Hayes, Treasurer
1984 Hayes for Congress Committee
4859 South Wabash
Chicago, Illinois 60615

Re: MUR 2123

Dear Mr. Hayes:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that the Hayes for Congress Committee and you, as Treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2123. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the Hayes for Congress Committee and you, as Treasurer, in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

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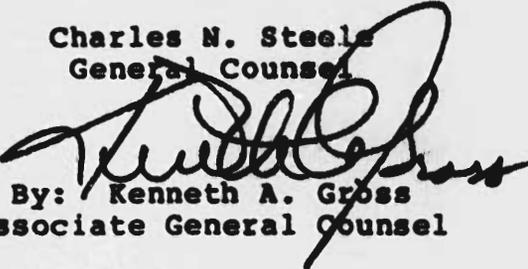
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If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 23, 1986

**The Honorable Charles A. Hayes
1028 Longworth House Office Building
Washington, D.C.**

Re: MUR 2123

Dear Mr. Hayes:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2123. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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

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

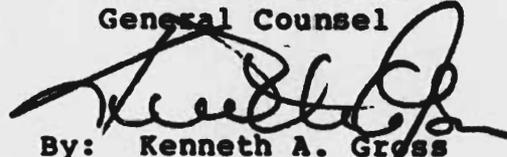
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If you have any questions, please contact Jonathan Levin, the staff member assigned to this matter at (202)376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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2c

MUR 2123



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 23, 1986

Jeffrey W. Ryan
4757 Parkman Court
Annandale, VA 22003

Dear Mr. Ryan:

This letter will acknowledge receipt of a complaint filed by you which we received on January 14, 1986, which alleges a possible violation of the Federal Election Campaign Act of 1971, as amended, by the Hayes for Congress committee. A staff member has been assigned to analyze your allegations. The respondent will be notified as soon as the Commission takes action on your submission.

You will be notified as soon as the Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to this Office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter under review MUR 2123. Please refer to this number in all future correspondence. If you have any questions, please contact Lorraine F. Ramos at (202) 376-3110.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 23, 1986

Michael Ernest Avakian, Esq.
Center on National Labor Policy
Suite 400
5211 Port Royal Road
North Springfield, VA 22151

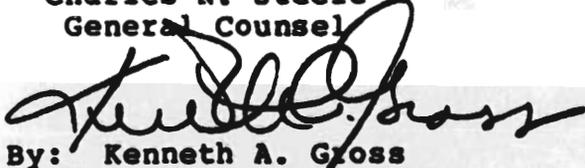
Dear Mr. Avakian:

This letter will acknowledge receipt of a complaint filed by you which we received on January 14, 1986, which alleges a possible violation of the Federal Election Campaign Act of 1971, as amended, by the Hayes for Congress committee. A staff member has been assigned to analyze your allegations. The respondent will be notified as soon as the Commission takes action on your submission.

You will be notified as soon as the Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to this Office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter under review MUR 2123. Please refer to this number in all future correspondence. If you have any questions, please contact Lorraine F. Ramos at (202) 376-3110.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure

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MUR 2123

Q00# 9636

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ALL: 15

STATEMENT OF DESIGNATION OF COUNSEL

NUR 2123

NAME OF COUNSEL: Edward P. Mendel

ADDRESS: UFCW

1775 K Street, N.W., Suite 900

Washington, D.C. 20006

TELEPHONE: (202) 466-1522

36 FEB 4 AIO: 37

GENERAL COUNSEL

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

1-31-86
Date

Anthony Luty
Signature

RESPONDENT'S NAME: Anthony Luty/UFCW Active Ballot Club

ADDRESS: 1775 K Street, N.W.

Washington, D.C. 20006

HOME PHONE: _____

BUSINESS PHONE: (202) 223-3111

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RECEIVED THE FEC

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600#96
UFCW

Legal Department
(202) 466-1520 / 1523

February 4, 1986

36 FEB 6 AM: 11

GENERAL COUNSEL

Jonathan Levin, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2123

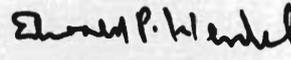
Dear Mr. Levin:

With regard to the above-captioned complaint filed by the Center on National Labor Policy, the complaint seems to allege that the UFCW Active Ballot Club violated the law by making an unreported contribution of \$5,000 to the Hayes for Congress campaign, which when totalled with other contributions for the 1984 general election would have exceeded the amount which could legally be contributed to that campaign.

As the complaint itself notes at page 5, paragraph 10, this contribution was not unreported. In fact, it was reported as a contribution not for the 1984 general election, but for the August 23, 1983 special general election at which Congressman Hayes was first elected to office. See UFCW Active Ballot Club Report to the Commission for the month of August 1983, Itemized Disbursements, page 1, line D. As this was a 1983 contribution, it does not count towards the 1984 contribution limitation and the allegation of the Center on National Labor Policy would seem to be without foundation.

If any additional information is needed with regard to this matter, please do not hesitate to contact me.

Sincerely yours,



Edward P. Wendel
Assistant General Counsel

EPW:meb

William H. Wynn
International
President

Anthony J. Luttj
International
Secretary-Treasurer

4
United Food & Commercial Workers
International Union, AFL-CIO & CLC
1775 K Street, N.W.
Washington, D.C. 20006
(202) 223-3111

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CCC# 9829

Charles Hayes

COMMITTEE 86 FEB 25 P 4: 11

FILED
GENERAL COUNSEL



1st Congressional District
4859 South Wabash Avenue
312/373-2200

February 25, 1986

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2123

Dear Mr. Gross:

I have reviewed the above-referenced complaint filed recently by Mr. Jeffrey W. Ryan alledging that the Hayes for Congress Committee may have violated the 1971 Federal Election Campaign Act by not reporting a \$5,000 contribution from the UFCW Active Ballot Club which, when added to contributions made in 1984, may have exceeded the limit that my campaign committee can legally receive from a multi-candidate committee.

It is unfortunate that neither Mr. Ryan nor the Center on National Labor Policy examined my committee reports for 1983, the period during which I was elected to the U.S. House of Representatives. The contribution in question was reported for the August 23, 1983 special general election and not for the 1984 general election. This information is reported on page 1, Itemized Receipts, Schedule A, of my amended Post-General Report which covers the period of August 4 through September 13, 1983. The contribution was designated for the 1983 special general election, and was not and should not be included in contributions received in 1984 from UFCW Active Ballot Club for the general election. The 1983 UFCW contribution was for the special general election and therefore does not constitute a violation of the 1971 Federal Election Campaign Act.

Similarly, the Hayes for Congress Committee did report a \$5,000 contribution from AFSCME-QUALIFIED for the same election and can be found on the same report.

The \$3,000 contribution from UAW V CAP Fund which was mailed on September 27, 1983 to the Hayes for Congress Committee is included in my Post-General Report which covers the period September 13 - December 31, 1983 on Page 2, Detailed Summary Page. The contribution was inadvertently included on Line 11(a), unitemized receipts from individuals other than political action committees. This particular report will be amended to reflect that change. The \$2,000 contribution from UAW V CAP fund is reported on page 1, Itemized Receipts, Schedule A of my July 15th Quarterly Report which covers the period January 1 through June 30, 1984.

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Mr. Kenneth A. Gross

-2-

February 25, 1986

I hope the information provided will clarify this matter and demonstrates that no action should be taken against me or the Hayes for Congress Committee. Should you have any questions, or desire further information, please feel free to contact me.

Sincerely,

Charles A. Hayes
CHARLES A. HAYES
Member of Congress

cc: Jonathan Levin
Attorney, FEC

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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D. C. 20463

RECEIVED
OFFICE OF THE REC
COMMISSION SECRETARY
SENSITIVE
86 MAR 6 P 2:53

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

MUR # 2123
DATE COMPLAINT RECEIVED
BY OGC January 14, 1986
DATE OF NOTIFICATION TO
RESPONDENT January 23, 1986
STAFF MEMBER J. Levin

COMPLAINANT'S NAME: Jeffrey W. Ryan

RESPONDENTS' NAMES: Charles A. Hayes

1984 Hayes for Congress Committee
Charles A. Hayes, as treasurer

United Food and Commercial Workers -
Active Ballot Club
Anthony Luty, as treasurer

RELEVANT STATUTES
AND REGULATIONS:

2 U.S.C. § 434(b)(2)(D)
2 U.S.C. § 434(b)(3)(B)
2 U.S.C. § 441a(a)(2)(A)
2 U.S.C. § 441a(f)
11 C.F.R. § 103.3(b)

INTERNAL REPORTS
CHECKED:

Public Records

FEDERAL AGENCIES
CHECKED:

None

SUMMARY OF ALLEGATIONS

The complainant alleges that the United Food and Commercial Workers - Active Ballot Club ("UFCW-ABC") made excessive contributions to the 1984 Hayes for Congress Committee ("the 1984 Hayes Committee") in violation of 2 U.S.C. § 441a(a)(2)(A) and that the 1984 Hayes Committee failed to report certain contributions in violation of 2 U.S.C. § 434(b).

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FACTUAL AND LEGAL ANALYSIS

On January 14, 1986, this Office received a complaint against the above-named respondents alleging that the United Food and Commercial Workers - Active Ballot Club made excessive contributions to the 1984 Hayes for Congress Committee in connection with the 1984 general election in violation of 2 U.S.C. § 441a(a)(2)(A) and that the Hayes Committee knowingly accepted these contributions in violation of 2 U.S.C. § 441a(f). Complainant also asserts that the Hayes Committee's failure to return the excess contributions constituted a violation of 11 C.F.R. § 103.3(b). In addition, the complaint also alleges that the Hayes Committee failed to report contributions from UFCW-ABC and other committees in violation of 2 U.S.C. §§ 434(b)(2)(D) and 434(b)(3)(B).

Specifically, the complaint alleges that the 1984 Hayes Committee accepted \$9,500 in contributions from UFCW-ABC for the 1984 general election. Of these contributions, \$4,500 were reported as follows by the Hayes Committee: (1) \$500 on April 13, 1984; (2) \$2,500 on April 28, 1984; and (3) \$1,500 on October 18 and 20, 1984. The complainant asserts that a \$5,000 contribution for the general election was not reported by the 1984 Hayes Committee and that, therefore, there was a violation of 2 U.S.C. § 434(b)(2)(D). The complainant also alleges a violation of 2 U.S.C. § 434(b)(3)(B) in relation to a \$500 contribution for the primary made on January 27, 1984 but not reported until October 3, 1984.

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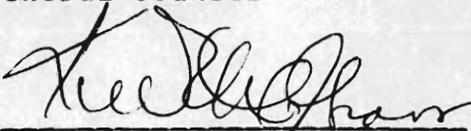
The complainant, in making these allegations, also listed the contributions which UFCW reported as making. These were: (1) a \$5,000 contribution on August 15, 1983; (2) a \$500 contribution on April 23, 1984; (3) a \$2,500 contribution on April 9, 1984; (4) a \$500 contribution on October 3, 1984; (5) a \$500 contribution on October 11, 1984; and (6) a \$1,000 contribution on October 16, 1984.

The complaint also alleges that the 1984 Hayes Committee failed to report contributions by UAW-V-CAP of \$3,000 on September 26, 1983, and \$2,000 on December 7, 1983. Furthermore, the complaint alleges that the 1984 Hayes Committee failed to report a \$5,000 contribution made by AFSCME-PEOPLE Qualified on August 15, 1983.

The research on this complaint has involved an extensive and complicated search due to the fact that Congressman Hayes had two principal campaign committees, one for the 1983 special primary and general election and one for the 1984 regularly scheduled primary and general election. A timely response from the 1984 Hayes Committee would have facilitated the research. This Office, however, did not receive such a response until the late afternoon of February 25, 1986. A General Counsel's Report with a full analysis of the issues and responses is in preparation.

Charles N. Steele
General Counsel

March 6, 1986
Date

BY: 
Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/CHERYL A. FLEMING *CMH*

DATE: MARCH 10, 1986

SUBJECT: MUR 2123 - FIRST GENERAL COUNSEL'S REPORT
SIGNED MARCH 6, 1986

The above-captioned matter was circulated by the Commission Secretary's Office to the Commissioners on Friday, March 7, 1986 at 2:00 P.M.

There were no objections received in the Office of the Secretary of the Commission to the First General Counsel's Report at the time of the deadline.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 19, 1986

MEMORANDUM

TO: CHARLES W. STEELE
GENERAL COUNSEL

ATTENTION: JONATHAN LEVIN

FROM: LEE GARRITY
COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 2123

Please review the attached Informational Notice which is to be sent to the UFCW Active Ballot Club for the 1986 March Monthly Report. Any comments which you may have should be forwarded to RAD by 4:00 p.m. on Wednesday, May 21, 1986. Thank you.

COMMENTS:

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

Anthony Luty, Treasurer
UFCW Active Ballot Club
1775 K Street, NW
Washington, DC 20006

Identification Number: C00002766

Reference: March Monthly Report (2/1/86-2/28/86)

Dear Mr. Luty:

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

-Schedule A of your report discloses receipts from organizations that are not registered with the Commission (pertinent portion(s) attached). 2 U.S.C. §441b prohibits the receipt of funds from national banks, corporations, and labor organizations. Under 11 CFR 102.6, however, certain entities may serve as collecting agents for the purpose of transmitting contributions to a separate segregated fund.

A collecting agent may be a committee which is affiliated with the separate segregated fund; the connected organization; or a local, national, or international union. See 11 CFR 102.6(b)(1).

Funds received from a collecting agent are to be attributed to the original contributors and should be disclosed according to the requirements of 11 CFR 104.3(a). If the amounts in question were contributed by individuals and transmitted to your committee by a collecting agent, the activity should be included on Line 11a of the Detailed Summary Page. Any contribution from an individual, that exceeds \$200 in the aggregate during the calendar year, should be itemized on a supporting schedule. Collecting agents need not be identified on your report.

To the extent that the funds received were not from entities serving as collecting agents, the Commission recommends that you refund all non-voluntary contributions to the donor(s) in accordance with 11 CFR 103.3(b). If you choose to transfer the funds to an

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account not used to influence federal elections, the Commission advises that you inform the contributor(s) of your intent and provide the contributor(s) with the option of receiving a refund. Please inform the Commission immediately in writing and provide a photocopy of your check(s) for the refund or transfer-out. In addition, the disbursement(s) should be disclosed on a supporting Schedule B for Line 26 or 27 of your next report.

Although the Commission may take further legal steps concerning the acceptance of prohibited contributions, prompt action by your committee in refunding or transferring-out the amounts will be taken into consideration.

Any amendment or clarification should be filed with the Federal Election Commission. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Anthony D. Raymond
Senior Reports Analyst
Reports Analysis Division

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SCHEDULE A

ITEMIZED RECEIPTS

Page 1 of 1 for
 LINE NUMBER 12
 (Use separate schedule for each category of the Bracketed Summary Page)

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 collect contributions from such committee.

Name of Committee (in full)			
UFCW ACTIVE BALLOT CLUB			
A. Full Name, Mailing Address and ZIP Code UFCW LOCAL UNION # 0698 106 NORTH MAIN STREET AKRON, OH	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation	02-06-86	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Trf Bal. of Political Fund	Aggregate Year-to-Date—\$		286.11
B. Full Name, Mailing Address and ZIP Code			
	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year-to-Date—\$		
C. Full Name, Mailing Address and ZIP Code			
	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year-to-Date—\$		
D. Full Name, Mailing Address and ZIP Code			
	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year-to-Date—\$		
E. Full Name, Mailing Address and ZIP Code			
	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year-to-Date—\$		
F. Full Name, Mailing Address and ZIP Code			
	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year-to-Date—\$		
G. Full Name, Mailing Address and ZIP Code			
	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Aggregate Year-to-Date—\$		

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 19, 1986

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: JONATHAN LEVIN

FROM: LEE GARRITY
COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 2123

Please review the attached Request for Additional Information which is to be sent to the UFCW Active Ballot Club for the 1986 April Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 4:00 p.m. on Wednesday, May 21, 1986. Thank you.

COMMENTS:

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Anthony Luty, Treasurer
UFCW Active Ballot Club
1775 K Street, NW
Washington, DC 20006

Identification Number: C00002766

Reference: April Monthly Report (3/1/86-3/31/86)

Dear Mr. Luty:

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:

-The total amount of contributions itemized on Schedule A, plus the total amount of unitemized contributions reported on the Detailed Summary Page, should equal the total reported on Line 11(a) of the Detailed Summary Page. Please amend either Schedule A or the Detailed Summary figures to correct this discrepancy. 11 CFR 104.3(a).

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission 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) 376-2480.

Sincerely,

Anthony D. Raymond
Senior Reports Analyst
Reports Analysis Division

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

SENSITIVE

00 MAY 8 P 1: 03

In the Matter of)
)
 Congressman Charles A. Hayes)
)
 1984 Hayes for Congress)
 Committee, Charles A. Hayes,)
 as treasurer)
)
 United Food and Commercial)
 Workers-Active Ballot Club)
 Anthony Luty, as treasurer)
)
 United Food and Commercial)
 Workers Local 100)
)
 United Food and Commercial)
 Workers Local P-500)

MUR 2123

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 14, 1986, this Office received a complaint against the above-named respondents alleging that the United Food and Commercial Workers - Active Ballot Club ("UFCW-ABC") made excessive contributions to the 1984 Hayes for Congress Committee ("the 1984 Hayes Committee") in connection with the 1984 general election in violation of 2 U.S.C. § 441a(a)(2)(A) and that the 1984 Hayes Committee knowingly accepted these contributions in violation of 2 U.S.C. § 441a(f). Complainant also asserts that the 1984 Hayes Committee's failure to return the excess contributions constituted a violation of 11 C.F.R. § 103.3(b). In addition, the complaint also alleges that the 1984 Hayes Committee failed to report contributions from UFCW-ABC and other committees in violation of 2 U.S.C. §§ 434(b)(2)(D) and 434(b)(3)(B).

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Specifically, the complaint alleges that the 1984 Hayes Committee accepted \$9,500 in contributions from UFCW-ABC for the 1984 general election. The itemization of contributions in the allegation may be summarized as follows:

<u>CONTRIBUTOR</u>	<u>CONTRIBUTION AMOUNT</u>	<u>DATE OF CONTRIBUTION</u>	<u>DESIGNATION REPORTED BY HAYES CONTRIBUTOR</u>	<u>DATE OF DESIGNATION RECEIPT</u>	<u>DESIGNATION REPORTED BY RECIPIENT</u>
UFCW-ABC	\$5,000	8-15-83	G	?	
	\$ 500	4-23-84	G	4-13-84	G
	\$2,500	4-9-84	G	4-28-84	G
	\$ 500	10-11-84	G	10-18 & 20-84	
	\$1,000	10-16-84	G	(\$1,500)	G

Primary Date: March 20, 1984

The complainant states that the making and acceptance to these contributions was in violation of 2 U.S.C. § 441a(a)(2)(A) and 2 U.S.C. § 441a(f) respectively. The complainant also asserts that the alleged failure to report the first contribution listed above was a violation of 2 U.S.C. § 434(b)(2)(D) by the 1984 Hayes Committee. Furthermore, the complainant also alleges a violation of 2 U.S.C. § 434(b)(3)(B) in relation to a \$500 contribution reported by UFCW-ABC as being made for the primary on January 27, 1984, but not reported by the 1984 Hayes Committee until October 3, 1984.

The complaint also alleges that the 1984 Hayes Committee failed to report contributions by UAW-V-CAP of \$3,000 on September 26, 1983, and \$2,000 on December 7, 1983. Furthermore, the complaint alleges that the 1984 Hayes Committee failed to report a \$5,000 contribution made by AFSCME-P.E.O.P.L.E. Qualified on August 15, 1983.

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It appears that the 1984 Hayes Committee has reported the contributions of April 9, 1984, and April 23, 1984, but reversed the dates of receipt. It appears that it also reported the contributions of October 11, 1984, and October 16, 1984, together as being received on October 18 and 20.

On February 6, 1986, this Office received a reply from UFCW-ABC. This Office did not receive a reply from the 1984 Hayes Committee until February 25, 1986.

With regard to the \$5,000 contribution which was allegedly not reported by the 1984 Hayes Committee, the complainant has apparently based his information on the reports of the 1984 Hayes Committee without reviewing the reports of the Hayes for Congress Committee ("the 1983 Hayes Committee"), Congressman Hayes principal campaign committee for the 1983 special primary and general elections. The \$5,000 contribution was made in connection with 1983 special general election and was reported on the 1983 Post Run-Off Report of the 1983 Hayes Committee as having been received on August 16, 1983.

With regard to the unreported UAW-V-CAP contributions, the reply of the 1984 Hayes Committee filed by Congressman Hayes indicates that the \$3,000 contribution from UAW-V-CAP was inadvertently reported as an unitemized contribution on the 1983 Hayes Committee's Post General Report, covering September 13 to December 31, 1983. Congressman Hayes states that he will amend the report. The \$2,000 contribution from UAW-V-CAP was reported on the 1983 Hayes Committee's 1984 Mid-Year Report as being

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received on January 5, 1984. Both of these contributions, according to the reports of UAW-V-CAP, were for the 1984 primary.

The \$5,000 contribution of AFSCME-P.E.O.P.L.E. Qualified was reported by the 1983 Hayes Committee on its 1983 Post Special General Election Report as being received on August 19, 1983.

A review of the reports also indicates that the \$500 contribution allegedly made by UFCW-ABC on January 2, 1986, was not reported at any time by either Hayes Committee. The late reporting referred to by the complaint as either a \$500 contribution from "UFCW Local 100" of Chicago, Illinois, on October 3, 1984, or a \$500 contribution from "United Food & Commercial Workers Local P-500" of Chicago, Illinois, on October 4, 1984.

Finally, the complainant missed another contribution made by UFCW-ABC, but not reported by the 1984 Hayes Committee. This was a contribution made for the 1984 general election on September 18, 1984.

II. LEGAL ANALYSIS

Section 441a(a)(2)(a) of Title 2 states that, with respect to any election, a multicandidate committee may not make contributions to any candidate or his authorized committee which, in the aggregate, exceed \$5,000. Section 441a(f) of Title 2 states that no candidate or political committee may knowingly accept contributions which violate provisions of § 441a. A review of the reports of the 1983 and 1984 Hayes Committees indicates that UFCW-ABC did not exceed the limits for the primary

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or general elections in 1983 and 1984 in its contributions to the Hayes Committee. It appears that UFCW-ABC contributed \$5,000 for the 1983 primary, \$5,000 for the 1983 general election, \$4,000 for the 1984 primary, and \$5,000 for the 1984 general election. Based on this information, this Office recommends that the Commission find no reason to believe that UFCW-ABC and Anthony Luty, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) and no reason to believe the 1984 Hayes Committee and Charles Hayes, as treasurer, violated 2 U.S.C. § 441a(f).

Section 434(b)(2)(D) states that each report shall disclose the total amount of all receipts in the category of "contributions from other political committee." Section 434(b)(3)(B) requires that each report shall identify each "political committee which made a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution." Section 434(b)(2)(D) would have been violated by a failure to report the receipt of the \$5,000 contribution from UFCW-ABC and the \$5,000 contribution by AFSCME-P.E.O.P.L.E. Qualified in August, 1983, because the failure to report would have affected the total figure reported of contributions received from other political committees. These contributions were for the 1983 special general election, however, and were reported by the recipient committee, the 1983 Hayes Committee. It also appears that 2 U.S.C. § 434(b)(3)(B) was not violated with respect to these contributions.

It appears, however, that the 1984 Hayes Committee failed to report the receipt of the \$3,000 contribution made by UAW-V-CAP

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on September 26, 1983. In addition, the \$2,000 contribution made by UAW-V-CAP on December 7, 1983, should have been reported in a timely manner on the first report filed by the 1984 Hayes Committee, the 1984 April Quarterly report, rather than three months later on the 1984 Mid-Year Report of the 1983 Hayes Committee. It appears that the 1984 Hayes committee also failed to report a \$500 contribution made by UFCW-ABC on January 27, 1984. Finally, it appears that the 1984 Hayes Committee failed to report a UFCW-ABC contribution made on September 18, 1984. Based on the foregoing analysis, this Office recommends that the Commission find reason to believe that the 1984 Hayes Committee and Charles Hayes, as treasurer, violated 2 U.S.C. §§ 434(b)(2)(D) and 434(b)(3)(B).

Section 441b(a) of Title 2 prohibits the making and receipt of contributions by labor organizations in connection with a federal election. The contributions from UFCW Local 100 and United Food and Commercial Workers Local P-500 appear to be contributions from labor organizations. Based on the foregoing analysis, this Office recommends that the Commission find reason to believe that United Food and Commercial Workers Local 100 and United Food and Commercial Workers Local P-500 each violated 2 U.S.C. § 441b(a) by making the contributions and that the 1984 Hayes Committee and Charles Hayes, as treasurer violated 2 U.S.C. § 441b(a) by accepting the contributions.

Section 103.3(b) of the Commission Regulations states in part that "[c]ontributions which appear to be illegal shall be,

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within 10 days, either returned to the contributor or deposited into the campaign depository and reported." If such contributions are deposited, "[t]he treasurer shall make his or her best efforts to determine the legality of the contribution. The regulations proceeds to state that "[w]hen a contribution cannot be determined to be legal, refunds shall be made within a reasonable time."

This regulation provides a method whereby a committee's diligent attention to receipts and prompt efforts to determine their legality can minimize instances of inadvertent acceptance of illegal contributions (such as those prohibited by the Act at §§ 441a and 441b).

A committee's failure to follow 11 C.F.R. § 103.3(b) and promptly to refund illegal receipts may result in a violation of the Act, but this Office would not recommend that the Commission find reason to believe that a violation of 11 C.F.R. § 103.3(b) also occurred. That regulation was designed to provide a mechanism whereby recipient committees could avoid a violation of the Act, but no separate violation of 11 C.F.R. § 103.3(b) results from a committee's failure to take advantage of the regulatory provisions for prevention of statutory violations. Therefore, in this Matter Under Review, our recommendations concentrate on violations of the Act and other regulations.

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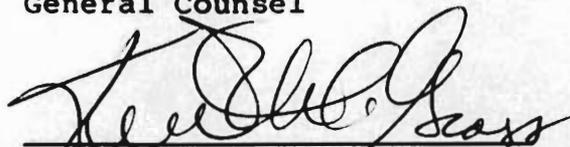
Although the complaint referred to Congressman Charles A. Hayes as a respondent, the complaint makes no allegation against him as an individual. The allegations are only against him in his capacity as treasurer of the 1984 Hayes Committee.

III. RECOMMENDATIONS

1. Find no reason to believe that the United Food and Commercial Workers Active Ballot Club and Anthony Luty, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) and close the file as it pertains to these respondents.
2. Find no reason to believe that the 1984 Hayes for Congress Committee and Charles A. Hayes, as treasurer, violated 2 U.S.C. § 441a(f).
3. Find reason to believe that 1984 Hayes for Congress Committee and Charles A. Hayes, as treasurer, violated 2 U.S.C. §§ 434(b)(2)(D) and 434(b)(3)(B).
4. Find reason to believe that the United Food and Commercial Workers Local 100 violated 2 U.S.C. § 441b(a).
5. Find reason to believe that the United Food and Commercial Workers Local P-500 violated 2 U.S.C. § 441b(a).
6. Find reason to believe that the 1984 Hayes for Congress Committee and Charles A. Hayes, as treasurer, violated 2 U.S.C. § 441b(a).
7. Approve the attached letters.
8. Approve the attached General Counsel's Factual and Legal Analyses.

Charles N. Steele
General Counsel

May 8, 1986
Date

BY: 
Kenneth A. Gross
Associate General Counsel

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Attachments

1. Response from UFCW-ABC
2. Response from the 1984 Hayes Committee
3. Letter to be sent to UFCW-ABC
4. Letter to be sent to the 1984 Hayes Committee
5. Letter and analysis to be sent to UFCW Local 100
6. Letter and analysis to be sent to UFCW Local P-500

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Attachments to General
Counsel's Report

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 4
2 5
3 13
4 12
5 12
6 12

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Congressman Charles A. Hayes)
1984 Hayes for Congress)
Committee, Charles A. Hayes,)
as treasurer)
United Food and Commercial)
Workers-Active Ballot Club)
Anthony Luty, as treasurer)
United Food and Commercial)
Workers Local 100)
United Food and Commercial)
Workers Local P-500)

MUR 2123

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 13, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 2123:

1. Find no reason to believe that the United Food and Commercial Workers Active Ballot Club and Anthony Luty, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) and close the file as it pertains to these respondents.
2. Find no reason to believe that the 1984 Hayes for Congress Committee and Charles A. Hayes, as treasurer, violated 2 U.S.C. § 441a(f).
3. Find reason to believe that 1984 Hayes for Congress Committee and Charles A. Hayes, as treasurer, violated 2 U.S.C. §§ 434(b)(2)(D) and 434(b)(3)(B).
4. Find reason to believe that the United Food and Commercial Workers Local 100 violated 2 U.S.C. § 441b(a).

(continued)

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- 5. Find reason to believe that the United Food and Commercial Workers Local P-500 violated 2 U.S.C. § 441b(a).
- 6. Find reason to believe that the 1984 Hayes for Congress Committee and Charles A. Hayes, as treasurer, violated 2 U.S.C. § 441b(a).
- 7. Approve the letters attached to the General Counsel's Report signed May 8, 1986.
- 8. Approve the General Counsel's Factual and Legal Analysis, as recommended in the General Counsel's Report signed May 8, 1986.

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

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Attest:

5-14-86

Date

Marjorie W. Emmons for

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	Thurs.,	5-8-86,	1:03
Circulated on 48 hour tally basis:	Fri.,	5-9-86,	2:00
Deadline for vote:	Tues.,	5-13-86,	4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 21, 1986

**Congressman Charles A. Hayes, Treasurer
1984 Hayes for Congress Committee
4859 South Wabash Avenue
Chicago, Illinois 60615**

**Re: MUR 2123
1984 Hayes for Congress Committee
Charles A. Hayes, as treasurer**

Dear Congressman Hayes:

The Federal Election Commission notified the 1984 Hayes for Congress Committee and you, as treasurer, on January 23, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 13, 1986, made a number of determinations with respect to you and your committee. The Commission determined that your committee and you, as treasurer, violated 2 U.S.C. §§ 434(b)(2)(D) and 434(b)(3)(B) with respect to the failure to report the \$3,000 contribution made by UAW-V-CAP on September 26, 1983, a \$500 contribution made by UFCW-Active Ballot Club ("UFCW-ABC") on January 27, 1984, and a \$500 contribution made by UFCW-ABC on September 18, 1984, and with respect to the late reporting of a \$2,000 contribution made by UAW-V-CAP on December 7, 1983.

On that date, the Commission also determined that your committee and you, as treasurer violated 2 U.S.C. § 441b(a) in connection with the receipt of \$500 contributions from UFCW Local 100 and UFCW Local P-500 on October 3, 1984, and October 4, 1984, respectively. While complainants referred to a late reporting on October 3, 1984, of a January, 1984, contribution from UFCW-ABC, it appears that complainants were referring to either the contribution from UFCW Local 100 or the contribution from UFCW Local P-500. Both of these contributors appear to be labor organizations. In addition, the Commission determined that there was no reason to believe that your committee and you, as treasurer, violated 2 U.S.C. § 441a(f) with respect to contributions from UFCW-ABC.

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Congressman Charles A. Hayes
Page 2

Your response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within fifteen days of your receipt of this notification. Statements should be submitted under oath.

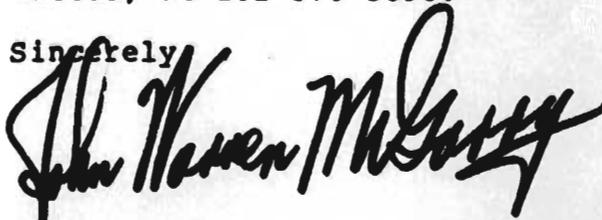
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending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

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 the General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 434g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at 202-376-5690.

Sincerely



John Warren McGarry
Vice Chairman

Enclosures
Procedures

12a

A 7 0 4 0 6 0 5 8 5



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 21, 1986

United Food and Commercial Workers
Local 100
1649 W. Adams Street
Chicago, Illinois 60612

Re: MUR 2123
United Food and Commercial
Workers Local 100

To whom it may concern:

On May 13, 1986, the Federal Election Commission determined that there is reason to believe that the United Food and Commercial Workers Local 100 ("UFCW Local 100") violated 2 U.S.C. § 441b(a), 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 UFCW Local 100. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against UFCW Local 100, 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 the 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 the 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 will not be entertained after briefs on probable cause have been mailed to the respondent.

126

87040560586

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 the General Counsel is not authorized to give extensions beyond 20 days.

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

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



John Warren McGarry
Vice Chairman

Enclosures

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

87040560587

126



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 21, 1986

United Food and Commercial Workers
Local P-500
4859 South Wabash Avenue
Chicago, Illinois 60615

Re: MUR 2123
United Food and Commercial
Workers Local P-500

To whom it may concern:

On May 13, 1986, the Federal Election Commission determined that there is reason to believe that the United Food and Commercial Workers Local P-500 ("UFCW Local P-500") violated 2 U.S.C. § 441b(a), 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 UFCW Local P-500. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against UFCW Local P-500, 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 the 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 the 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 will not be entertained after briefs on probable cause have been mailed to the respondent.

87040560588

12c

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 the General Counsel is not authorized to give extensions beyond 20 days.

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

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


John Warren McGarry
Vice Chairman

Enclosures

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

87040560589

12c



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 21, 1986

**Edward P. Wendel, Assistant General Counsel
United Food and Commercial Workers Union
1775 K Street, N.W.
Washington, D.C. 20006**

**Re: MUR 2123
United Food and Commercial
Workers - Active Ballot Club
Anthony Luty, as treasurer**

Dear Mr. Wendel:

On January 23, 1986, the Commission notified the United Food and Commercial Workers - Active Ballot Club ("UFCW-ABC") and Anthony Luty, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on May 13, 1986, determined that, on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by UFCW-ABC and its treasurer. Accordingly, the Commission closed its file in this matter as it pertains to UFCW-ABC and Mr. Luty, as treasurer. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

87040360590

GCC#635

J. Levin

LOCAL 500P



UNITED FOOD & COMMERCIAL WORKERS, INTERNATIONAL UNION
86 JUN 2 P 5: 00 AFL-CIO & CLC

Rogers L. Farmer
President
Cole Wright
Secretary-Treasurer
Larry L. Law
Executive Vice-Pres.

4859 South Wabash Ave.
Chicago, Illinois 60615
(312) 285-5700

May 30, 1986

Mr. John Warren McGarry
Vice Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2123
United Food & Commercial Workers
Local 500-P

Dear Sir:

Upon receipt of your communication, dated May 21, 1986, indicating United Food & Commercial Workers Local 500-P is in violation of 2 U.S.C. § 441 b (a) of the Federal Election Campaign Act of 1971.

After investigation, through the Charles A. Hayes for Congress Committee, the report to your office was in error, an amended report is being prepared by the Hayes Committee to be submitted to your office correcting the error.

If further steps need be taken by Local 500-P UFCW, after receipt of the report, please advise.

Sincerely,

Rogers L. Farmer

Rogers L. Farmer
President

RLF/jws

GENERAL
3
A 9: 48

87040560591



Legal Department
(202) 466-1520 / 1523

June 11, 1986

Jonathan Levin, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2123
United Food and Commercial
Workers Local 100

86 JUN 12 P 3: 20

REC'D
OFFICE OF THE
GENERAL COUNSEL

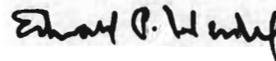
Dear Mr. Levin:

In connection with the "reason to believe" letter sent to UFCW Local 100 in the above-captioned case, the allegation is that UFCW Local 100 made a prohibited contribution to the 1984 Hayes for Congress Committee on October 3, 1984. This allegation is incorrect as the contribution was made not from funds of UFCW Local 100, but from the UFCW Active Ballot Club. Active Ballot Club funds are raised from voluntary contributions and not from the general treasuries of the International or the Local Unions.

Following a request from Local 100, by letter dated September 12, 1984, a check in the amount of \$500 was drawn from the UFCW/Active Ballot Club, dated September 18, 1984, and made payable to "Hayes for Re-Election." This check bore the number 05 5 305 105. The contribution was thereafter reported on the September 1984 report of the UFCW Active Ballot Club, Itemized Disbursements, Page 15, Item C. We would assume that this is the \$500 contribution reported by the Hayes Committee as having been received on October 4, 1984, from Local 100. Local 100 did not make a separate \$500 contribution from its own funds.

If you have any additional questions, please feel free to contact me.

Sincerely yours,



Edward P. Wendel
Assistant General Counsel

Enclosure
cc: Walter Piotrowski
EPW:meb

87040560592

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED - LEGAL DEPT
JUN 10 1986
ANS.

NO. 2123

NAME OF COUNSEL: Edward Wendel

ADDRESS: Assistant General Counsel
United Food and Commercial Workers
1775 K Street, N.W.

Washington, D.C. 20006

TELEPHONE: 202-466-1522

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

6-5-86
Date

Walter J. Rutkowski
Signature

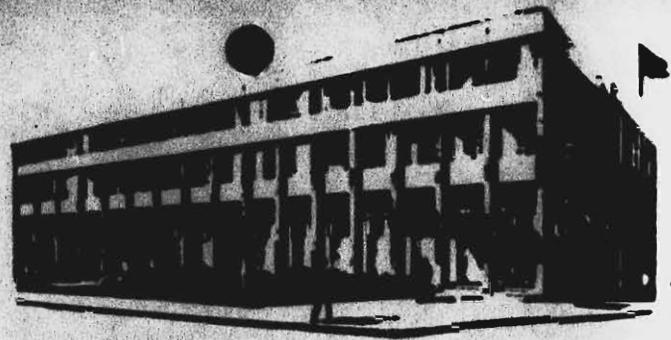
RESPONDENT'S NAME: Beef Boners & Sausage Makers

ADDRESS: Union, Local 100-A, UFCW
1649 West Adams Street
Chicago, Illinois 60612

HOME PHONE: 312 442 7257

BUSINESS PHONE: 312-942-0555

87040560593



BEEF BONERS & SAUSAGE MAKERS UNION, LOCAL 100

1649 WEST ADAMS STREET • CHICAGO, ILLINOIS 60612

PHONE 942-0555

WALTER F. PIOTROWSKI
Secretary Treasurer

September 12, 1984

Mr. David Claxton
Director, Political Affairs
U.F.C.W.
1775 K Street, N.W.
Washington, D.C. 20006

Dear Dave:

As per our phone conversation please send me A.B.C. checks for \$500.00 each for: CONGRESSMAN CHARLES HAYES, 1st DISTRICT HAYES FOR CONGRESS COMMITTEE and

CONGRESSMAN FRANK ANNUNZIO, 11th DISTRICT, CITIZENS FOR ANNUNZIO FOR CONGRESS.

I'm aware that these funds are drawn from Local 100-A's Active Ballot Club account. Please forward the checks to our office for our personal presentation to be made to the above Congressman Hayes and Annunzio.

With kindest regards, I am

Fraternally yours,

Walter F. Piotrowski
Secretary Treasurer

WFP/cm

87040560594

RECEIVED

SEP 17 1984

PAC-POLITICAL
AFFAIRS - UFCW

15

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

(Summary Page)

<p>ALIGN AREA </p> <p>1. Name of Committee (In Full)</p> <p align="center">UFCW Active Ballot Club</p> <hr/> <p>Address (Number and Street)</p> <p align="center">1775 K Street, N.W.</p> <hr/> <p>City, State and ZIP Code</p> <p align="center">Washington, D.C. 20006</p> <p><input type="checkbox"/> Check here if address is different than previously reported.</p> <hr/> <p>2. FEC Identification Number</p> <p align="center">C00002766</p> <hr/> <p>3. <input type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)</p>	<p>ALIGN AREA </p> <p>4. TYPE OF REPORT (Check appropriate boxes)</p> <p>(a) <input type="checkbox"/> April 15 Quarterly Report <input type="checkbox"/> October 15 Quarterly Report</p> <p><input type="checkbox"/> July 15 Quarterly Report <input type="checkbox"/> January 31 Year End Report</p> <p><input type="checkbox"/> July 31 Mid Year Report (Non-Election Year Only)</p> <p><input checked="" type="checkbox"/> Monthly Report for _____</p> <p><input type="checkbox"/> Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____</p> <p><input type="checkbox"/> Thirtieth day report following the General Election on _____ in the State of _____</p> <p><input type="checkbox"/> Termination Report</p> <p>(b) Is this Report an Amendment?</p> <p align="center"><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
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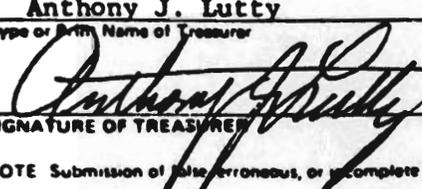
SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>9/1/84</u> through <u>9/30/84</u>		
6. (a) Cash on hand January 1, 19 <u>84</u>		\$ 955,945.23
(b) Cash on Hand at Beginning of Reporting Period	\$ 656,846.56	
(c) Total Receipts (from Line 18)	\$ 50,596.45	\$ 726,893.76
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 707,443.01	\$ 1,682,838.99
7. Total Disbursements (from Line 28)	\$ 325,889.08	\$ 1,301,285.06
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 381,553.93	\$ 381,553.93
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	\$ 0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ 0.00	

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

For further information contact:
Federal Election Commission
Toll Free 800-424-9630
Local 202-523-4088

Anthony J. Luty
Type or Print Name of Treasurer


SIGNATURE OF TREASURER

10/19/84
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 4370.

All previous versions of FEC FORM 3 and FEC FORM 2a are obsolete and should no longer be used.

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FEC FORM 3X (3/80)

R 7 0 4 0 6 0 5 9 3

SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

Name of Committee (in full)

IECJ ACTIVE GALLERY CLUB

97040560595

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
ECKERT FOR CONGRESS COMMITTEE POST OFFICE BOX 1020 CENTON OH 44061	CONTRIBUTION OH - C.D. # 11 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): 1984	09-13-84	1,000.00
FEIGHAN FOR CONGRESS COMMITTEE 15401 DETROIT AVENUE LAKEMOOD OH 44137	CONTRIBUTION OH - C.D. # 19 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): 1984	09-13-84	1,500.00
HAYES FOR RE-ELECTION COM. CHARLES HAYES CENTER 4357 SOUTH WABASH CHICAGO IL 60615	CONTRIBUTION IL - C.D. # 71 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): 1984	09-15-84	500.00
JOE WELSH FOR CONGRESS POST OFFICE BOX 3040 DUBUQUE IA 52001	CONTRIBUTION IA - C.D. # 02 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): 1984	09-13-84	100.00
MCFARLAND FOR CONGRESS POST OFFICE BOX 63 SALEM OR 97308	CONTRIBUTION OR - C.D. # 05 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): 1984	09-13-84	100.00
WEAVER FOR CONGRESS POST OFFICE BOX 3207 EUGENE OR 97403	CONTRIBUTION OR - C.D. # 04 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): 1984	09-18-84	100.00
FRIENDS OF DOUG CALL FOR CONG. 320 POWERS BUILDING ROCHESTER NY 14614	CONTRIBUTION NY - C.D. # 01 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): 1984	09-17-84	1,000.00
MATTHEW MARTINEZ CONGRESS COMM POST OFFICE BOX 2884 WASHINGTON DC 20013	CONTRIBUTION CA - C.D. # 30 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): 1984	09-19-84	1,000.00
MUTH BROTHERS 2144 Queens Chapel Road Washington, D.C. 20018	CONTRIBUTION IN-KIDD DYSON ROY P MD - C.D. # 01 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): 1984	09-21-84	720.00
SUBTOTAL of Disbursements This Page (optional)			6,020.00
TOTAL This Period (last page this line number only)			

GCC# 218
RECEIVED AT THE FEC 771

86 JUN 23 P12: 25

LAW OFFICES
EARL L. NEAL & ASSOCIATES

EARL L. NEAL
MICHAEL D. LEROY
ANNE L. FREDD
RICHARD F. FRIEDMAN
LESTER H. MCKEEVER, JR.
TERRANCE L. DIAMOND
LANGDON D. NEAL

111 WEST WASHINGTON STREET
SUITE 1010
CHICAGO, ILLINOIS 60602
TELEPHONE 341-7144

June 20, 1986

JUN 23 P 3: 08
GENERAL COUNCIL

Mr. Jonathan Levin
Staff Attorney
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2123; 1984 Hayes for Congress Committee; Charles A. Hayes, as Treasurer

Dear Mr. Levin:

Today, Congressman Hayes asked this office to represent him and the 1984 Hayes for Congress Committee with respect to the above proceeding. We have undertaken this representation.

I have plans to be out of the country for the next two weeks. Since I have not been able to undertake any investigation with respect to these two respondents, and because I will be away, we cannot adequately respond to the proposed Conciliation Agreement. Accordingly, I would appreciate your forbearance in this matter until later in July when I will have a chance to consider this thoroughly, determine whether we will represent these parties, and give thorough consideration to a proposed Conciliation Agreement.

Very truly yours,
Richard F. Friedman
Richard F. Friedman

RFF:kmb
cc: Honorable Charles A. Hayes

8704060597



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 8, 1986

Richard F. Friedman, Esquire
Earl L. Neal & Associates
111 West Washington Street
Suite 1010
Chicago, Illinois 60602

RE: MUR 2123
1984 Hayes for Congress
Committee
Charles A. Hayes, as treasurer

Dear Mr. Friedman:

This is in response to your letter requesting additional time in which to file a response in the above-captioned matter. At the present time, this Office has not received a statement from Congressman Hayes designating you as counsel. Furthermore, any present requests for an extension of time are overdue. Such a request was due on June 10. At this time, this Office is proceeding to the next stage in the enforcement process.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

cc: Congressman Charles A. Hayes

87040560598

17



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 8, 1986

The Honorable Charles A. Hayes
The United States House of
Representatives
Washington, D.C. 20515

RE: MUR 2123
1984 Hayes for Congress
Committee
Charles A. Hayes,
as treasurer

Dear Congressman Hayes:

Enclosed is a letter sent by this Office to Richard F.
Friedman.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

Enclosure
Letter

87040460599

STATEMENT OF DESIGNATION OF COUNSEL

QCC#1014
RECEIVED THE FEC

NO. 2123

86 JUL 23 AIO: 53

NAME OF COUNSEL: Herbert V. Adams

ADDRESS: Law Offices of Herbert V. Adams
188 West Randolph St., Ste. 727
Chicago, Illinois 60601

TELEPHONE: (312)977-1125

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
86 JUL 23 3:31

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

7/18/86
Date

Rogers L. Farmer
Signature
Rogers Farmer, President P500

RESPONDENT'S NAME: UFCW, Local 500P

ADDRESS: 4859 South Wabash Avenue
Chicago, Illinois 60615

HOME PHONE: (312) 261-3963

BUSINESS PHONE: (312) 285-5700

87040560600

LAW OFFICES OF

HERBERT V. ADAMS, III

188 WEST RANDOLPH STREET
SUITE 727
CHICAGO, ILLINOIS 60601
312-977-1125



RECEIVED THE FEC
CCH-1102
86 AUG 4 9:37

30 July 1986

Mr. Jonathan Levin
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2123
UFCW, Local P500

86 AUG 4 4:07

RECEIVED
Office of the
GENERAL COUNSEL

Dear Mr. Levin:

I have been having difficulty in obtaining Mr. Barton's signature, in that as I told you he has been ill. I have accordingly spoken with him by telephone and drafted the affidavit. I have sent it for signature and will forward it as soon as it is returned.

I enclose an unsigned copy for your reference.

Sincerely yours,

Herbert V. Adams
Herbert V. Adams

HVA/ch

ch

Encl.

87040560601

5. That said contributions were in the form of personal or business checks payable to the Hayes campaign, and that said monies were delivered by affiant to the Hayes campaign office.

6. That none of said contributions were deposited in the Local 500P checking account.

7. That affiant to the best of his memory and recollection believes that the total funds collected from the above individuals and others by affiant for the benefit of the Hayes campaign was in excess of \$500.

8. That affiant has no personal knowledge of how said contributions were recorded by Hayes campaign workers.

9. Further affiant sayeth not.

CHARLES BARTON, affiant

SUBSCRIBED AND SWORN TO BEFORE ME
this _____ day of _____, 1986.

NOTARY PUBLIC

LAW OFFICES OF HERBERT V. ADAMS
188 West Randolph Street
Suite 727
Chicago, Illinois
(312)977-1125

87040560603

LAW OFFICES OF

HERBERT V. ADAMS, III

188 WEST RANDOLPH STREET
SUITE 727
CHICAGO, ILLINOIS 60601
312-977-1125



RECEIVED THE FEC
ACC # 1263
86 AUG 19 P12:42

18 August 1986

Mr. Jonathan Levin
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2123
WFCW, Local P500

86 AUG 19 P 3: 31

RECEIVED
GENERAL COUNSEL

Dear Mr. Levin:

Enclosed please find the signed affidavit in the above. I had considerable difficulty meeting with Mr. Barton.

I apologize for the delay.

Sincerely yours,

Herbert V. Adams

HVA/ch

Encl.

87040560504

5. That said contributions were in the form of personal or business checks payable to the Hayes campaign, and that said monies were delivered by affiant to the Hayes campaign office.

6. That none of said contributions were deposited in the Local 500P checking account.

7. That affiant to the best of his memory and recollection believes that the total funds collected from the above individuals and others by affiant for the benefit of the Hayes campaign was in excess of \$500.

8. That affiant has no personal knowledge of how said contributions were recorded by Hayes campaign workers.

9. Further affiant sayeth not.

Charles W. Barton
CHARLES BARTON, affiant

SUBSCRIBED AND SWORN TO BEFORE ME
this 15 day of August, 1986.

Charles W. Barton
NOTARY PUBLIC

LAW OFFICES OF HERBERT V. ADAMS
188 West Randolph Street
Suite 727
Chicago, Illinois
(312)977-1125

87040560606

LAW OFFICES OF

HERBERT V. ADAMS, III

188 WEST RANDOLPH STREET
SUITE 727
CHICAGO, ILLINOIS 60601
312-977-1125

RECEIVED AT THE FEC
GOC 1896
86 OCT 31 P1: 32

29 October 1986

Mr. Jonathan Levin
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2123
WFCW, Local P500

Dear Mr. Levin:

I have had a discussion with Mr. Barton concerning your recent inquiry. It appears that I.A. Gradzins was the president of Commodity Warehousing, a facility where the employees are represented by Local P500. Mr. Gradzins was one of the individuals referred to in Mr. Barton's affidavit, previously sent.

Mr. Barton's recollection is that Mr. Gradzins' contribution was more in the neighborhood of Two Hundred Dollars (\$200.00) than the Five Hundred Dollars (\$500.00) reflected in the Hayes memorandum you quoted to me. The difference, he believes, was smaller contributions by the other individuals.

I am informed by Mr. Barton that all checks he collected, to the best of his memory, were individual, rather than corporate, checks. If I can be of any further assistance, please let me know.

Sincerely yours,

Herbert V. Adams
Herbert V. Adams

HVA/ch

87040560507

00:21 P12:00 86 OCT 31

RECEIVED
GENERAL COUNSEL

22

LAW OFFICES OF

HERBERT V. ADAMS, III

188 WEST RANDOLPH STREET
SUITE 727
CHICAGO, ILLINOIS 60601
312-977-1125

GCC#1961

FEC

86 NOV 10 AIO: 04

6 November 1986

Mr. Jonathan Levin
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2123
WFCW, Local P500

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
16 NOV 10 AM 11:20

Dear Mr. Levin:

The president of Commodity Warehouse referred to in previous correspondence as Kelly Glazen and I.A. Gradzins is actually I.A. Grodzins. He is also known to Mr. Barton as "Kelly G."

At any rate, there is but one person whose name unfortunately was misspelled several times. I am sorry for the confusion.

Sincerely yours,

Herbert V. Adams
Herbert V. Adams

HVA/ch

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1986

**Earl L. Neal, Esquire
Earl L. Neal & Associates
111 West Washington Street
Suite 1010
Chicago, Illinois 60602**

**RE: MUR 2123
1984 Hayes for
Congress Committee
James L. Wright, as
treasurer**

Dear Mr. Neal:

Based on a complaint filed with the Commission on January 14, 1986, and information supplied by your clients the Commission determined on May 13, 1986, that there was reason to believe that your clients, the 1984 Hayes for Congress Committee ("the 1984 Hayes Committee") and Charles A. Hayes, as treasurer, had violated 2 U.S.C. §§ 434(b)(2)(D), 434(b)(3)(B), and 441b(a), provisions of the Federal Election Campaign Act of 1971, as amended.

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 the 1984 Hayes Committee and James L. Wright, as treasurer, violated 2 U.S.C. § 434(b)(2)(D) and 434(b)(3)(B) and no probable cause to believe that they violated 2 U.S.C § 441b(a). In addition, this Office is prepared to recommend that the the Commission find no probable cause to believe that Charles A. Hayes violated 2 U.S.C. §§ 434(b)(2)(D), 434(b)(3)(B), and 441b(a). The Commission may or may not approve the General Counsel's Recommendation.

Submitted for your review are briefs 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 briefs (10 copies if

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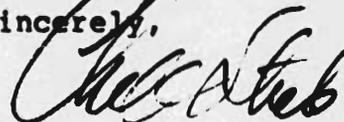
possible) stating your position on the issues and replying to the briefs of the General Counsel. (Three copies of such briefs should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's briefs and any briefs which you may submit will be considered by the Commission 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. All requests for extension of time must be submitted 5 days prior to the due date and must be in writing. Further, good cause must be shown.

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

Should you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Briefs

87040560610

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2123
Charles A. Hayes)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On January 14, 1986, this Office received a complaint from Jeffrey A. Ryan alleging that Charles A. Hayes violated 2 U.S.C. § 441a(f) in connection with the alleged receipt of excessive contributions ("the 1984 Hayes Committee") from the United Food and Commercial Workers-Active Ballot Club ("UFCW-ABC") and the alleged failure by the 1984 Hayes Committee to report certain contributions in violation of 2 U.S.C. § 434(b)(2)(D) and 434(b)(3)(B).

On May 13, 1986, the Commission found no reason to believe that Charles A. Hayes, as treasurer of the 1984 Hayes for Congress Committee ("the 1984 Hayes Committee"), violated 2 U.S.C. § 441a(f) and reason to believe that Congressman Hayes, as treasurer of the 1984 Hayes Committee, violated 2 U.S.C. § 434(b)(2)(D) and 434(b)(3)(B). In addition, the Commission found reason to believe that Congressman Hayes, as treasurer of the 1984 Hayes Committee, violated 2 U.S.C. § 441b(a) in connection with the apparent receipt by the committee of contributions from two union locals.

The Commission's "B" index of committees lists Congressman Hayes as the treasurer of the 1984 Hayes Committee. A further review of the filings of the 1984 Hayes Committee indicates that Congressman Hayes has not been the treasurer of the committee.

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II. LEGAL ANALYSIS

Because Congressman Hayes has not been the treasurer of the 1984 Hayes Committee, it appears that he has not violated 2 U.S.C. §§ 434(b)(2)(D), 434(b)(3)(B), and 441b(a). Therefore, the General Counsel recommends that the Commission find no probable cause to believe that Congressman Hayes has violated these sections.

III. RECOMMENDATIONS

1. Find no probable cause to believe that Charles A. Hayes violated 2 U.S.C. § 434(b)(2)(D) and 434(b)(3)(B).
2. Find no probable cause to believe that Charles A. Hayes violated 2 U.S.C. § 441b(a).

12 Dec. 1986
Date



Charles N. Steele
General Counsel

87040360612

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
1984 Hayes for Congress) MUR 2123
Committee)
James L. Wright, as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On January 14, 1986, this Office received a complaint filed by Jeffrey W. Ryan stating that the 1984 Hayes for Congress Committee ("the 1984 Hayes Committee") accepted contributions from the United Food and Commercial Workers-Active Ballot Club ("UFCW-ABC") in excess of the limits of 2 U.S.C. § 441a(a)(2)(A) and that the 1984 Hayes Committee failed to report contributions from UFCW-ABC and other committees in violation of 2 U.S.C. § 434(b)(2)(D) and 434(b)(3)(B).

Specifically, the complainant alleged that the UFCW-ABC made a \$5,000 contribution on August 15, 1983, to the 1984 Hayes Committee that the recipient committee never reported and that this contribution placed UFCW-ABC's contributions to the 1984 Hayes Committee for the 1984 general election in excess of the limits of 2 U.S.C. § 441a(a)(2)(A). The complainant also alleged that the 1984 Hayes Committee violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D) in connection with a failure to report the above-mentioned \$5,000 contribution, a \$500 contribution made by UFCW-ABC on January 27, 1984, but apparently not reported as received until October 3, 1984, a \$5,000 contribution made by

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AFSCME-P.E.O.P.L.E. Qualified on August 15, 1983, a \$3,000 contribution made by UAW-V-CAP on September 26, 1983, and a \$2,000 contribution made by UAW-V-CAP on December 7, 1983.

Responses to the complaint and a review of the reports of the principal campaign committees of Congressman Hayes indicated that the \$5,000 contribution from UFCW-ABC on August 15, 1983, was actually a contribution for the 1983 special general election and, therefore, was reported as such by the Hayes for Congress Committee, ("the 1983 Hayes Committee") the principal campaign committee of Congressman Hayes for the 1983 campaign. The contribution from AFSCME-P.E.O.P.L.E. Qualified was also reported by the 1983 Hayes Committee. It also appeared that the \$2,000 contribution from UAW-V-CAP was eventually reported as being received on January 5, 1984, but that this contribution was reported on the 1984 Mid-Year Report of the 1983 Hayes Committee. Congressman Hayes also claimed that the \$3,000 contribution from UAW-V-CAP was "included" as an unitemized contribution on the Detailed Summary Page of the 1983 Year End Report of the 1983 Hayes Committee.

A review of the reports also appeared to indicate that the \$500 contribution made by UFCW-ABC on January 27, 1984 and allegedly not reported by the Hayes Committee until October 3, 1984, was, in fact, never reported. Instead, it appeared as though the \$500 contribution reported on October 4, 1984, either came from UFCW Local 100 on October 3, 1984, or from United Food and Commercial Workers Local P-500 on October 4, 1984.

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A review of the reports also appeared to indicate that the complainant had missed another contribution apparently made by UFCW-ABC, but not reported by the 1984 Hayes Committee. This was a contribution made for the 1984 general election on September 18, 1984.

On May 13, 1984, the Commission found no reason to believe that the 1984 Hayes Committee and Charles A. Hayes, as treasurer, violated 2 U.S.C. § 441a(f) and reason to believe that the 1984 Hayes Committee and Charles A. Hayes, as treasurer, violated 2 U.S.C. § 434(b)(2)(D) and 434(b)(3)(B). ^{*}/ The latter finding was made with respect to the \$3,000 and \$2,000 contributions from UAW-V-CAP, the \$500 contribution from UFCW-ABC made on January 27, 1984, and the \$500 contribution from UFCW-ABC made on September 18, 1984. In addition, the Commission found reason to believe that the 1984 Hayes Committee and its treasurer violated 2 U.S.C. § 441b(a) in connection with the apparent receipt of contributions from the union locals.

The 1984 Hayes Committee did not respond to the reason to believe notification. This Office did, however, receive correspondence from the union locals explaining the nature of the contributions received by the 1984 Hayes Committee.

Correspondence from counsel for UFCW Local 100, which is known as UFCW Local 100-A, was received on June 12, 1986. Counsel states that the \$500 reported as being received in early

^{*}/ A review of committee documents indicates that the treasurer is James L. Wright, not Congressman Hayes.

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October, 1984, by the Hayes Committee was not from the local but was, instead, from UFCW-ABC. Counsel states that this was the contribution reported by UFCW-ABC as being made on September 18, 1984. Counsel asserts that the local "did not make a separate \$500 contribution from its own account."

In order to support his assertion, counsel encloses a copy of a letter sent by the secretary-treasurer of the local to the UFCW's Director for Political Affairs prior to the contribution. In that letter, the secretary-treasurer requested that the local be sent an Active Ballot Club check for \$500 for the 1984 Hayes Committee, so that representatives of the local could personally present it to the candidate. He stated in the letter that he was "aware that these funds are drawn from Local 100-A's Active Ballot Club account."

The statements of counsel appear to be confirmed by a letter, dated December 31, 1984, sent by the 1984 Hayes Committee to the Reports Analysis Division. In that letter, the committee stated that the contribution was from the Active Ballot Club.

UFCW Local P-500, which is known as Local 500P, filed a reply on June 3, 1986, stating that the report of the 1984 Hayes Committee was in error. On August 19, 1986, counsel for the local submitted an affidavit signed by the secretary-treasurer of the local, maintaining that the local did not make a contribution to the 1984 Hayes Committee. Specifically, the secretary-treasurer asserts that no contribution was made from local union funds and that "no check was issued to the campaign from the

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local union checking account." He states that he "collected voluntary contributions to the Hayes campaign from various individuals" and names seven of these individuals. (He could not recall all of the names.) He further states that the contributions "were in the form of personal or business checks payable to the Hayes campaign," that said monies were delivered by affiant to the Hayes campaign office," and that none of the contributions were deposited in the Local 500P checking account. Finally, he states that he believes that the total amount that he collected for the Hayes campaign was in excess of \$500.

The above-mentioned letter sent by the 1984 Hayes Committee to the Reports Analysis Division on December 31, 1984, stated that the committee had erroneously recorded a contribution from "Local P-500" and that the contribution was actually from "I.A. Gradzins." On October 31, this Office received a letter from counsel for the local stating that the secretary-treasurer recalls that Mr. Gradzins was one of the individuals who made a contribution. The secretary-treasurer recalls that Mr. Gradzin's contribution "was more in the neighborhood of \$200 than \$500."

A review of the 12 Day Pre-General Report of the 1984 Hayes Committee discloses that although the contribution was reported as being received from the local, it was included in the figure of contributions from "other political committees" on the Detailed Summary Page.

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II. LEGAL ANALYSIS

Section 434(b)(3)(B) of Title 2 states that each report filed by a political committee shall identify each political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution. Section 434(b)(2)(D) of Title 2 states that each report filed by a political committee shall disclose the total amount of receipts from political committees, other than authorized committees of the candidate or political party committees.

It appears that the 1984 Hayes Committee failed to report a \$3,000 contribution made on September 26, 1983, by UAW-V-CAP and a \$500 contribution made on January 27, 1984, by UFCW-ABC. It appears also that, although the 1983 Hayes Committee eventually reported a \$2,000 contribution made by UAW-V-CAP on December 7, 1983, and received on January 5, 1984, the contribution should have been reported in a timely manner on the 1984 Pre-Primary Report of the 1984 Hayes Committee, filed at the beginning of March, 1984, rather than on the Mid-Year Report of the 1983 Hayes Committee, a different committee, almost four months later.

Finally, it appears that the final contribution at issue was reported in a timely manner but that the source was reported erroneously. This was corrected in the letter dated December 31, 1984, without a prompting notice from the Reports Analysis Division. In addition, the contribution was included in the total of contributions from "other political committees" on the Detailed Summary Page of the appropriate report.

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It appears, therefore, that the 1984 Hayes Committee did not meet the requirements of 2 U.S.C. § 434(b)(3)(B) with respect to all four contributions, although there was a correction with respect to the last one. It also appears that the failure to report the first three contributions led to an understatement on the appropriate reports of the total contributions received from political committees, other than authorized committees of the candidate or political party committees. Based on the foregoing analysis, the General Counsel recommends that the Commission find probable cause to believe that the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D).

Section 441b(a) of Title 2 prohibits a labor organization from making a contribution in connection with an election for federal office and prohibits the knowing acceptance of such contributions. The responses of the union locals indicates that the 1984 Hayes Committee did not accept contributions from UFCW Local 100-A and UFCW Local 500P. Although there may be some conflict between the account of the secretary-treasurer of Local 500P and the explanation included in the December 31, 1984 letter from the committee, it appears from both sources that UFCW Local 500P did not make a contribution to the 1984 Hayes Committee. Based on the foregoing analysis, the General Counsel recommends that the Commission find no probable cause to believe that the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, violated 2 U.S.C. § 441b(a).

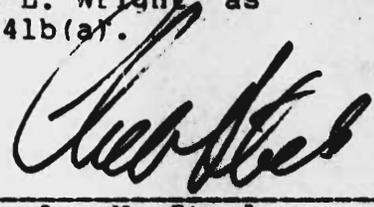
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III. RECOMMENDATIONS

1. Find probable cause to believe that the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D).

2. Find no probable cause to believe that the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, violated 2 U.S.C. § 441b(a).

12 Dec 1986
Date



Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 15, 1986

**Herbert V. Adams, III, Esquire
188 West Randolph Street
Suite 727
Chicago, Illinois 60601**

**RE: MUR 2123
United Food and
Commercial Workers
("UFCW") Local 500P**

Dear Mr. Adams:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on May 13, 1986, found reason to believe that your client, UFCW Local 500P, had violated 2 U.S.C. § 441b(a), a provision of Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find no probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation.

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 client's position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you submit will be considered by the Commission before proceeding to a vote of no probable cause to believe a violation has occurred.

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Should you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Charles W. Steele
General Counsel

Enclosure
Brief

87040560622

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
United Food and Commercial) MUR 2123
Workers Local 500P)
)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

A review of the 1984 12 Day Pre-General Report of the 1984 Hayes for Congress Committee ("the 1984 Hayes Committee") disclosed a \$500 contribution received on October 4, 1984, from the United Food and Commercial Workers Local 500P ("UFCW Local 500P"), a labor organization. On May 13, 1986, the Commission found reason to believe that UFCW Local 500P violated 2 U.S.C. § 441b(a).

On June 3, 1986, this Office received a letter from the president of the local stating that the report of the 1984 Hayes Committee was in error. On August 19, 1986, counsel for the local submitted an affidavit signed by the secretary-treasurer of the local, maintaining that the local did not make a contribution to the 1984 Hayes Committee. Specifically, the secretary-treasurer, asserts that no contribution was made from local union funds and that "no check was issued to the campaign from the local union checking account." He states that he "collected voluntary contributions to the Hayes campaign from various individuals" and names seven of these individuals. (He could not recall all of the names.) He further states that the contributions "were in the form of personal or business checks payable to the Hayes campaign," that said monies were delivered

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by affiant to the Hayes campaign office," and that none of the contributions were deposited in the Local 500P checking account. Finally, he states that he believes that the total amount that he collected for the Hayes campaign was in excess of \$500.

In a letter sent to the Reports Analysis Division on December 31, 1984, the 1984 Hayes Committee stated that the committee had erroneously recorded a contribution from "Local P-500" and that the contribution was actually from "I.A. Gradzins." On October 31, this Office received a letter from counsel for the local stating that the secretary-treasurer recalls that Mr. Gradzins was one of the individuals who made a contribution. The secretary-treasurer recalls that Mr. Gradzin's contribution "was more in the neighborhood of \$200 than \$500."

II. LEGAL ANALYSIS

Section 441b(a) of Title 2 prohibits a labor organization from making a contribution in connection with an election for federal office. Although there may be some conflict between the account of the secretary-treasurer of Local 500P and the explanation included in the December 31, 1984, letter from the 1984 Hayes Committee, it appears from both sources that UFCW Local 500P did not make a contribution to the committee. Therefore, the General Counsel recommends that the Commission find no probable cause to believe that UFCW Local 500P violated 2 U.S.C. § 441b(a).

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III. RECOMMENDATION

1. Find no probable cause to believe that the United Food and Commercial Workers Local 500P violated 2 U.S.C. § 441b(a).

12 Dec 1968
Date



Charles W. Steele
General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 15, 1986

**Edward P. Wendel
Assistant General Counsel
United Food and Commercial Workers
1775 K Street, N.W.
Washington, D.C. 20006**

**RE: MUR 2123
United Food and
Commercial Workers
("UFCW") Local 100-A**

Dear Mr. Wendel:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on May 13, 1986, found reason to believe that your client, UFCW Local 100-A, had violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find no probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation.

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 client's position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible. The General Counsel's brief and any brief which you submit will be considered by the Commission before proceeding to a vote of no probable cause to believe a violation has occurred.

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Should you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

87040560527

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
United Food and Commercial) MUR 2123
Workers Local 100-A)
)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

A review of the 1984 12 Day Pre-General Report of the 1984 Hayes for Congress Committee ("the 1984 Hayes Committee") disclosed a \$500 contribution received on October 3, 1984, from the United Food and Commercial Workers Local 100-A ("UFCW Local 100-A"), a labor organization. On May 13, 1986, the Commission found reason to believe that UFCW Local 100-A violated 2 U.S.C. § 441b(a).

On June 12, 1986, this Office received a response to the reason to believe notification from counsel for UFCW Local 100-A. Counsel states that the \$500 reported as being received in early October, 1984, by the 1984 Hayes Committee was not from the local but was, instead, from the United Food and Commercial Workers Active Ballot Club ("UFCW-ABC"), the political action committee of the UFCW. Counsel states that this was the contribution reported by UFCW-ABC as being made on September 18, 1984. He asserts that the local "did not make a separate \$500 contribution from its own account."

In order to support his assertion, counsel encloses a copy of a letter sent by the secretary-treasurer of the local to the UFCW's Director for Political Affairs prior to the contribution.

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In that letter, the secretary-treasurer requested that the local be sent an Active Ballot Club check for \$500 for the 1984 Hayes Committee, so that representatives of the local could personally present it to the candidate. He stated in the letter that he was "aware that these funds are drawn from Local 100-A's Active Ballot Club account."

The statements of counsel appear to be confirmed by a letter sent by the 1984 Hayes Committee to the Reports Analysis Division on December 31, 1984. In that letter, the 1984 Hayes Committee stated that the contribution was from the Active Ballot Club.

II. LEGAL ANALYSIS

Section 441b(a) of Title 2 prohibits a labor organization from making a contribution in connection with an election for federal office. The response of UFCW Local 100-A indicates that it did not make contribution to the 1984 Hayes Committee. Therefore, the General Counsel recommends that the Commission find no probable cause to believe that UFCW Local 100-A violated 2 U.S.C. § 441b(a).

III. RECOMMENDATION

1. Find no probable cause to believe that the United Food and Commercial Workers Local 100-A violated 2 U.S.C. § 441b(a).

12 Dec 1986
Date



Charles N. Steele
General Counsel

87040560629

SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1986

MEMORANDUM

TO: The Commission
FROM: Charles N. Steele
General Counsel *CNS*
SUBJECT: MUR #2123

RECEIVED
COMMUNICATIONS SECTION
DEC 15 11:14 AM '86

Attached for the Commission's review are briefs stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. Copies of these briefs and letters notifying the respondents of the General Counsel's intent to recommend to the Commission findings of probable cause to believe and/or no probable cause to believe were mailed on December 15, 1986. Following receipt of the respondents' replies to these notices, this Office will make a further report to the Commission.

Attachments

1. Letter and briefs for the 1984 Hayes for Congress Committee and its treasurer and for Charles A. Hayes
2. Letter and brief for UFCW Local 100-A
3. Letter and brief for UFCW Local 500P

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GCC#2362
RECEIVED AT THE FEC

LAW OFFICES
EARL L. NEAL & ASSOCIATES

86 DEC 29 49:20

EARL L. NEAL
MICHAEL D. LEROY
ANNE L. FREDD
RICHARD F. FRIEDMAN
LESTER H. MCKEEVER, JR.
TERRANCE L. DIAMOND
LANGDON D. NEAL

111 WEST WASHINGTON STREET
SUITE 1010
CHICAGO, ILLINOIS 60602
TELEPHONE 641-7144

December 23, 1986

Clerk
Federal Election Commission
999 "E" Street N.W.
Washington, D.C. 20463

36 DEC 29 A10:

RECEIVED
GENERAL COUNSEL

Re: Federal Election Commission v. 1984 Hayes for Congress
Committee, James L. Wright, as Treasurer MUR 2123

Dear Sir:

Kindly file the enclosed Motion for Extension of Time of the
above respondents and present the motion to the FEC for its
earliest consideration.

Very truly yours,

EARL L. NEAL & ASSOCIATES



By Richard F. Friedman

RFF:nt
RFFVI

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

IN THE MATTER OF CHARLES A. HAYES)
)
)
IN THE MATTER OF)
1984 HAYES FOR CONGRESS COMMITTEE)
JAMES L. WRIGHT, AS TREASURER)
)

MUN 2123

NOTICE

To: Charles N. Steele
General Counsel
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

PLEASE TAKE NOTICE that on December 23, 1986, I mailed the enclosed motion to the Clerk, Federal Election Commission, for filing and presentation to the Federal Election Commission.

EARL L. NEAL & ASSOCIATES

Earl L. Neal
attorneys for defendants

R77

Earl L. Neal & Associates
111 West Washington Street
Suite 1010
Chicago, Illinois 60602
(312) 641-7144

87040560632

BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

IN THE MATTER OF CHARLES A. HAYES)
)
) MUR 2123
IN THE MATTER OF)
 1984 HAYES FOR CONGRESS COMMITTEE)
 JAMES L. WRIGHT, AS TREASURER)
)

MOTION FOR EXTENSION OF TIME

NOW COMES Charles A. Hayes, 1984 Hayes for Congress Committee and James L. Wright, as Treasurer of 1984 Hayes for Congress Committee, respondents herein by Earl L. Neal & Associates, their attorneys, and move for an extension of time to and including February 27, 1987 within which to file their response to the General Counsel's brief. In support hereof, the respondents state:

1. The Federal Election Commission (the "FEC") issued its finding of "reason to believe" and "no reason to believe" on or about May 13, 1986. More than seven months has passed since then, and in this period the General Counsel has had time to investigate the facts and to prepare his brief.

2. On December 22, 1986 respondents' undersigned attorneys received the General Counsel's briefs, dated December 13, 1986 and mailed December 15, 1986. Pursuant to 11 CFR Part 111, the respondents' attorneys must investigate the facts, prepare and file a brief by January 6, 1987, a period which includes the Christmas and New Year's holidays.

3. A twenty-day extension of time will be inadequate to properly investigate and prepare this case. The undersigned did

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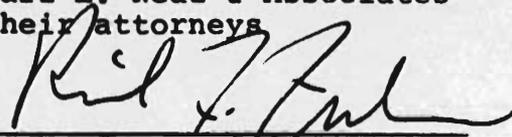
not represent the respondents until after the findings of "reason to believe" and "no reason to believe" were made. This case has been before the FEC since January 14, 1986. It is in equitable compass the time for response into a 15- or 20-day period when this matter has been before the FEC for almost a year and there is no urgent need to dispose of the case in a precipitous manner. The complaint only alleges past violations and does not seek to enjoin current or future acts.

WHEREFORE, the respondents request time to respond to and including February 27, 1987.

Respectfully submitted,

Hayes for Congress Committee and
James L. Wright, as Treasurer of
Hayes for Congress Committee,
Respondents herein

By Earl L. Neal & Associates
their attorneys

By 
Richard F. Friedman

Earl L. Neal & Associates
111 West Washington Street
Suite 1010
Chicago, Illinois 60602
(312) 641-7144

RFFV:MOTION EXTENSION/122386

PROOF OF SERVICE

I, Norma Taylor, a non-attorney, under oath state that I served by sending the attached Motion to Charles N. Steele, General Counsel, Federal Election Commission, 999 "E" Street, N.W., Washington, D.C. 20463 by mail December 23, 1986.

Norma Taylor
Norma Taylor

Subscribed and sworn
before me, this 23th
day of December, 1986

Priscilla Blylock
NOTARY PUBLIC

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE
RECEIVED
SECRETARY OF THE FEC
COMMISSION SECRETARY
JAN 15 11:39 AM '89

MEMORANDUM

January 15, 1987

TO: The Commission
FROM: Charles N. Steele
General Counsel
BY: Lawrence M. Noble
Deputy General Counsel
SUBJECT: Request for Extension of Time in MUR 2123

On December 15, 1986, this Office sent briefs to counsel for Congressman Charles A. Hayes and for the 1984 Hayes for Congress Committee ("the Committee") and James L. Wright, as treasurer. The brief for the Committee and its treasurer stated that this Office was prepared to recommend that the Commission find probable cause to believe that the Committee and Mr. Wright, as treasurer, violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D) and no probable cause to believe that they violated 2 U.S.C. § 441b(a). The brief for Congressman Hayes stated that this Office was prepared to recommend that the Commission find no probable cause to believe that Congressman Hayes violated 2 U.S.C. §§ 434(b)(3)(B), 434(b)(2)(D), and 441b(a). On December 29, 1986, this Office received a request from counsel for the above-named respondents for an extension of time in which to file a response to the General Counsel's briefs.

According to counsel, the briefs were received on December 22, 1986, and, therefore, the original due date for the reply briefs was January 6, 1987. He is requesting an extension of time until February 27, 1987, over one month more than a twenty day extension would permit.

Counsel states that the original time period between December 22 and January 6 is inadequate because he would have to investigate the facts and prepare a brief during a period that includes the Christmas and New Year's holidays. He further states that a twenty day extension "will be inadequate to properly investigate and prepare this case." Counsel asserts

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that he did not represent the respondents until after the reason to believe findings were made in May and,

[i]t is inequitable [to] compress the time for response into a 15 or 20 day period when this matter has been before the FEC for almost a year and there is no urgent need to dispose of the case in a precipitous manner. The complaint only alleges past violations and does not seek to enjoin current or future acts.

This Office recommends that the Commission deny counsel's request for an extension until February 27 and, instead, grant an extension only until January 26, 1987. The probable cause briefs contain no new allegations and counsel has known of the present allegations for a number of months. In addition, this Office is recommending the pursuit of apparent reporting violations with respect to four contributions, and counsel should not need until February 27 to investigate and analyze these allegations. A twenty day extension of time should be adequate to meet counsel's concerns.

Recommendations

1. Deny counsel for Congressman Charles A. Hayes and the 1984 for Congress Committee and James L. Wright, as treasurer, an extension of time until February 27, 1986, for the submittal of reply briefs, and set a due date of January 26, 1987.
2. Approve the attached letter.

Attachments

1. Request for extension
2. Proposed letter to counsel for respondents

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / JOSHUA MCFADDEN *JM*

DATE: JANUARY 20, 1987

SUBJECT: OBJECTION - REQUEST EXTENSION OF TIME IN MUR 2123
DATED JANUARY 15, 1987

The above-captioned document was circulated to the Commission on Thursday, January 15, 1987 at 4:00 P.M.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	_____
Commissioner McDonald	_____ X _____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the Executive Session agenda for January 27, 1987.

R 7 0 4 0 5 6 0 6 3 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
1984 Hayes for Congress Committee) MUR 2123
and James L. Wright, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of January 29, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2123:

1. Grant counsel for Congressman Charles A. Hayes and the 1984 ~~for Congress Committee~~ *HAYES* and James L. Wright, as treasurer, an extension of time until February 27, 1987, for submittal of reply briefs.
2. Direct the Office of General Counsel to send an appropriate letter.

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

Attest:

2/2/87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
1984 Hayes for Congress Committee) MUR 2123
and James L. Wright, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of January 29, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2123:

1. Grant counsel for Congressman Charles A. Hayes and the 1984 ~~for Congress Committee~~ ^{HAYES} and James L. Wright, as treasurer, an extension of time until February 27, 1987, for submittal of reply briefs.
2. Direct the Office of General Counsel to send an appropriate letter.

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

Attest:

2/2/87
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 4, 1987

Richard F. Friedman, Esquire
Earl L. Neal & Associates
111 West Washington Street
Suite 1010
Chicago, Illinois 60602

RE: MUR 2123
1984 Hayes for Congress
Committee
James L. Wright, as treasurer
Congressman Charles A. Hayes

Dear Mr. Friedman:

This is in reference to your letter, dated December 23, 1986, requesting further time to reply to the General Counsel's Briefs sent to you in the above-captioned matter. After considering the circumstances of this matter, the Commission has decided to grant your request for an extension. Accordingly, your response will be due on February 27, 1987.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel


BY: Lawrence M. Noble
Deputy General Counsel

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plm

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FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S OFFICE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
1984 Hayes for Congress Committee)
James L. Wright, as treasurer)
)
United Food and Commercial Workers)
Local 100-A)
)
United Food and Commercial Workers)
Local 500P)
)
Charles A. Hayes)

MUR 2123

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 14, 1986, this Office received a complaint filed by Jeffrey W. Ryan stating that the 1984 Hayes for Congress Committee ("the 1984 Hayes Committee") accepted contributions from the United Food and Commercial Workers-Active Ballot Club ("UFCW-ABC") in excess of the limits of 2 U.S.C. § 441a(a)(2)(A) and that the 1984 Hayes Committee failed to report contributions from UFCW-ABC and other committees in violation of 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D).

Specifically, the complaint alleged that the UFCW-ABC made a \$5,000 contribution on August 15, 1983, to the 1984 Hayes Committee that the recipient committee never reported and that this contribution placed UFCW-ABC's contributions to the 1984 Hayes Committee for the 1984 general election in excess of the limits of 2 U.S.C. § 441a(a)(2)(A). The complainant also alleged that the 1984 Hayes Committee violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D) in connection with a failure to report the above-mentioned \$5,000 contribution, a \$500 contribution made by

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UFCW-ABC on January 27, 1984, but apparently not reported as received until October 3, 1984, a \$5,000 contribution made by AFSCME-P.E.O.P.L.E. Qualified on August 15, 1983, a \$3,000 contribution made by UAW-V-CAP on September 26, 1983, and a \$2,000 contribution made by UAW-V-CAP on December 7, 1983.

Responses to the complaint and a review of the reports of the principal campaign committees of Congressman Hayes indicated that the \$5,000 contribution from UFCW-ABC on August 15, 1983, was actually a contribution for the 1983 special general election and, therefore, was reported as such by the Hayes for Congress Committee, ("the 1983 Hayes Committee") the principal campaign committee of Congressman Hayes for the 1983 campaign. The contribution from AFSCME-P.E.O.P.L.E. Qualified was also reported by the 1983 Hayes Committee. It also appeared that the \$2,000 contribution from UAW-V-CAP was eventually reported as being received on January 5, 1984, but that this contribution was reported on the 1984 Mid-Year Report of the 1983 Hayes Committee. Congressman Hayes claimed that the \$3,000 contribution from UAW-V-CAP was "included" in "unitemized receipts from individuals" on the Detailed Summary Page of the 1983 Year End Report of the 1983 Hayes Committee.

A review of the reports also appeared to indicate that the \$500 contribution made by UFCW-ABC on January 27, 1984, and allegedly not reported by the Hayes Committee until October 3, 1984, was, in fact, never reported. Instead, it appeared as though the \$500 contribution reported in October, 1984, either

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came from UFCW Local 100 on October 3, 1984, or from United Food and Commercial Workers Local P-500 on October 4, 1984.

A review of the reports also appeared to indicate that the complainant had missed another contribution apparently made by UFCW-ABC, but not reported by the 1984 Hayes Committee. This was a contribution made for the 1984 general election on September 18, 1984.

On May 13, 1986, the Commission found no reason to believe that the UFCW-ABC and Anthony Luty, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) and no reason to believe that the 1984 Hayes Committee and Charles A. Hayes, as treasurer,^{1/} violated 2 U.S.C. § 441a(f). The Commission found reason to believe that the 1984 Hayes Committee and Charles A. Hayes, as treasurer, violated 2 U.S.C. § 434(b)(2)(D) and 434(b)(3)(B). The latter finding was made with respect to the \$3,000 and \$2,000 contributions received from UAW-V-CAP and the \$500 contribution

^{1/} The Commission's "B" index of committees listed Congressman Hayes as the treasurer of the 1984 Hayes Committee. A further review of the filings of the 1984 Hayes Committee indicates that Congressman Hayes has not been the treasurer of the committee, and that James L. Wright was the treasurer of the 1984 Hayes Committee at the time of the reason to believe findings and is the treasurer presently. The coding of Congressman Hayes as treasurer resulted from the fact that when the committee's previous treasurer resigned in October, 1985, no new treasurer was named. When a vacancy in the treasurer position occurs, Data Coding codes the candidate's name in the treasurer position in order to denote the candidate as an agent of the committee.

This Office does not believe that the naming of Congressman Hayes as treasurer, instead of Mr. Wright, creates a problem of notice. The 1984 Hayes Committee had actual notice of the reason to believe finding. In addition, the probable cause brief and the letter notifying counsel to the 1984 Hayes Committee of this Office's intention to make a probable cause recommendation identified Mr. Wright as the treasurer.

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from UFCW-ABC made on September 18, 1984. In addition, the Commission found reason to believe that UFCW Local 100 and UFCW Local P500 violated 2 U.S.C. § 441b(a) in connection with apparent labor organization contributions and reason to believe that the 1984 Hayes Committee and Charles A. Hayes, as treasurer, violated 2 U.S.C. § 441b(a) in connection with the apparent receipt of those contributions.

The 1984 Hayes Committee did not respond to the reason to believe notification. This Office did, however, receive correspondence from the union locals explaining the nature of the contributions received by the 1984 Hayes Committee.

Correspondence from counsel for UFCW Local 100, which is known as UFCW Local 100-A, was received on June 12, 1986. Counsel stated that the \$500 reported as being received in early October, 1984, by the Hayes Committee was not from the local but was, instead, from UFCW-ABC. Counsel stated that this was the contribution reported by UFCW-ABC as being made on September 18, 1984. Counsel asserted that the local "did not make a separate \$500 contribution from its own account."

In order to support this assertion, counsel enclosed a copy of a letter sent by the secretary-treasurer of the local to the UFCW's Director for Political Affairs prior to the contribution. In that letter, the secretary-treasurer requested that the local be sent an Active Ballot Club check for \$500 for the 1984 Hayes Committee, so that representatives of the local could personally present it to the candidate. He stated in the letter that he was

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"aware that these funds are drawn from Local 100-A's Active Ballot Club account."

The statements of counsel appear to be confirmed by a letter, dated December 31, 1984, sent by the 1984 Hayes Committee to the Reports Analysis Division. In that letter, the committee stated that the contribution was from the Active Ballot Club.

UFCW Local P-500, which is known as Local 500P, filed a reply on June 3, 1986, stating that the report of the 1984 Hayes Committee was in error. On August 19, 1986, counsel for the local submitted an affidavit signed by the secretary-treasurer of the local, maintaining that the local did not make a contribution to the 1984 Hayes Committee. Specifically, the secretary-treasurer asserted that no contribution was made from local union funds and that "no check was issued to the campaign from the local union checking account." He stated that he "collected voluntary contributions to the Hayes campaign from various individuals" and named seven of these individuals. (He could not recall all of the names.) He further stated that the contributions "were in the form of personal or business checks payable to the Hayes campaign," that said monies were delivered by affiant to the Hayes campaign office," and that none of the contributions were deposited in the Local 500P checking account. Finally, he stated that he believes that the total amount that he collected for the Hayes campaign was in excess of \$500.

The above-mentioned letter sent by the 1984 Hayes Committee to the Reports Analysis Division on December 31, 1984, stated

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that the committee had erroneously recorded a contribution from "Local P-500" and that the contribution was actually from "I.A. Gradzins." On October 31, this Office received a letter from counsel for the local stating that the secretary-treasurer recalls that Mr. Gradzins was one of the individuals who made a contribution. The secretary-treasurer recalled that Mr. Gradzin's contribution "was more in the neighborhood of \$200 than \$500."

A review of the 12 Day Pre-General Report of the 1984 Hayes Committee discloses that, although both of these latter contributions were reported as being received from the locals, they were included in the figure of contributions from "other political committees" on the Detailed Summary Page.

On December 15, 1986, this Office sent briefs to the respondents. A brief was sent to the 1984 Committee and James L. Wright, as treasurer, stating that this Office was prepared to recommend a finding of probable cause to believe that the Committee and Mr. Wright, as treasurer, violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D) and no probable cause to believe that they violated 2 U.S.C. § 441b(a). Because, as noted in footnote 1, Mr. Hayes has not been the treasurer of the 1984 Hayes Committee, a brief was sent to him stating that this Office was prepared to recommend a finding of no probable cause to believe that he violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D) and no probable cause to believe that he violated 2 U.S.C. § 441b(a). Briefs were also sent to the union locals, each

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stating that this Office was prepared to recommend a finding of no probable cause to believe that the local violated 2 U.S.C. § 441b(a).

On December 29, 1986, this Office received a request from counsel for Congressman Hayes, the Committee, and Mr. Wright requesting an extension of time until February 27, 1987, to file a reply brief. On February 3, 1987, the Commission granted the extension. Counsel never submitted a reply brief, however. Furthermore, no responses were received from counsel for either of the locals.

II. LEGAL ANALYSIS

None of the respondents have submitted a reply brief. This Office, therefore, refers the Commission to the General Counsel's Briefs, dated December 15, 1986, for analyses of the issues in this matter. Based on the analyses presented, this Office recommends that the Commission find probable cause to believe that the 1984 Hayes Committee and James L. Wright, as treasurer, violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D) and no probable cause to believe that they violated 2 U.S.C. § 441b(a). Finally, this Office recommends that the Commission find no probable cause to believe that UFCW Local 100-A violated 2 U.S.C. § 441b(a) and no probable cause to believe that UFCW Local 500P violated 2 U.S.C. § 441b(a).

II. DISCUSSION OF CONCILIATION AGREEMENT AND CIVIL PENALTY

*Remainder of p.7 and all p.8 deleted
per 2 USC § 437g (a)(4)(B)(i).*

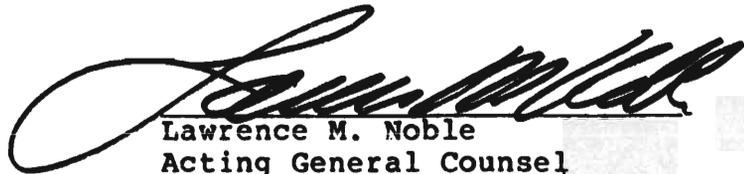
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IV. RECOMMENDATIONS

1. Find probable cause to believe that the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D).
2. Find no probable cause to believe that the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, violated 2 U.S.C. § 441b(a).
3. Find no probable cause to believe that Charles A. Hayes violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D).
4. Find no probable cause to believe that Charles A. Hayes violated 2 U.S.C. § 441b(a).
5. Find no probable cause to believe that United Food and Commercial Workers Local 100-A violated 2 U.S.C. § 441b(a).
6. Find no probable cause to believe that United Food and Commercial Workers Local 500P violated 2 U.S.C. § 441b(a).
7. Approve the attached conciliation agreement.
8. Approve the attached letters.

Date

3/25/87



Lawrence M. Noble
Acting General Counsel

Attachments

1. Letter and conciliation agreement to counsel for the committee and Congressman Hayes.
2. Letter to counsel for UFCW Local 100-A
3. Letter to counsel for UFCW Local 500P

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Attachment(s) 1, 2, 3

to G.C. Rpt

have been removed from this
position in Public Record File.

See Index Item(s) 37, 38, 39

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
1984 Hayes for Congress Committee)
James L. Wright, as treasurer)
United Food and Commercial Workers) MUR 2123
Local 100-A)
United Food and Commercial Workers)
Local 500P)
Charles A. Hayes)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 31, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2123:

1. Find probable cause to believe that the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, violated 2 U.S.C. §§ 434(b)(3)(B) and 434(b)(2)(D).
2. Find no probable cause to believe that the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, violated 2 U.S.C. § 441b(a).
3. Find no probable cause to believe that Charles A. Hayes violated 2 U.S.C. § 434(b)(3)(B) and § 434(b)(2)(D).

(continued)

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4. Find no probable cause to believe that Charles A. Hayes violated 2 U.S.C. § 441b(a).
5. Find no probable cause to believe that United Food and Commercial Workers Local 100-A violated 2 U.S.C. § 441b(a).
6. Find no probable cause to believe that United Food and Commercial Workers Local 500P violated 2 U.S.C. § 441b(a).
7. Approve the conciliation agreement attached to the General Counsel's report dated March 25, 1987.
8. Approve the letters attached to the General Counsel's report dated March 25, 1987.

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

Attest:

4-1-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 3, 1987

Herbert V. Adams, III, Esquire
188 West Randolph Street, Suite 727
Chicago, Illinois 60601

RE: MUR 2123
United Food and Commercial
Workers ("UFCW") Local 500P

Dear Mr. Adams:

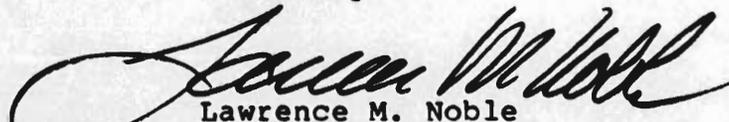
This is to advise you that, after an investigation was conducted, the Commission concluded, on March 31, 1987, that there is no probable cause to believe that your client, UFCW Local 500P, violated 2 U.S.C. § 441b(a). Accordingly, the file in this matter, numbered MUR 2123, has been closed as it pertains to your client.

This matter will become part of the public record within 30 days, after it has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. Such materials should be sent to the Office of the General Counsel.

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

If you have any questions, contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


Lawrence M. Noble
Acting General Counsel

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rdm



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 3, 1987

Edward P. Wendel
Assistant General Counsel
United Food and Commercial Workers
1775 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2123
United Food and Commercial
Workers ("UFCW") Local 100-A

Dear Mr. Wendel:

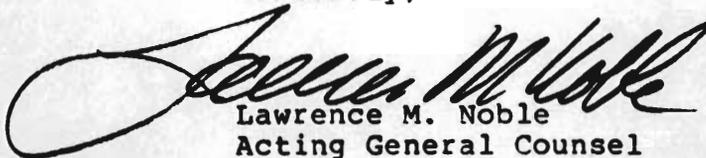
This is to advise you that, after an investigation was conducted, the Commission concluded, on March 31, 1987, that there is no probable cause to believe that your client, UFCW Local 100-A, violated 2 U.S.C. § 441b(a). Accordingly, the file in this matter, numbered MUR 2123, has been closed as it pertains to your client.

This matter will become part of the public record within 30 days, after it has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. Such materials should be sent to the Office of the General Counsel.

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

If you have any questions, contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


Lawrence M. Noble
Acting General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 3, 1987

Richard F. Friedman, Esquire
Earl L. Neal & Associates
111 West Washington Street, Suite 1010
Chicago, Illinois 60602

RE: MUR 2123
1984 Hayes for Congress
Committee
James L. Wright, as treasurer

Dear Mr. Friedman:

On March 31, 1987, the Commission determined that there is probable cause to believe that the 1984 Hayes for Congress Committee ("the 1984 Hayes Committee") and James L. Wright, as treasurer, violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), in connection with the failure to report certain contributions from political committees. On that date, the Commission also found no probable cause to believe that the 1984 Hayes Committee and Mr. Wright, as treasurer, violated 2 U.S.C. § 441b(a).

The Commission has a duty to correct violations of the Act for a period of thirty to ninety days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that 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 have your clients 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 have the check for the civil penalty made payable to the Federal Election Commission.

On March 31, 1987, the Commission also found no probable cause to believe that your client, Congressman Charles A. Hayes, violated 2 U.S.C. §§ 434(b)(3)(B), 434(b)(2)(D), and 441b(a). The file in this matter will be made part of the public record within 30 days after this matter is closed with respect to all

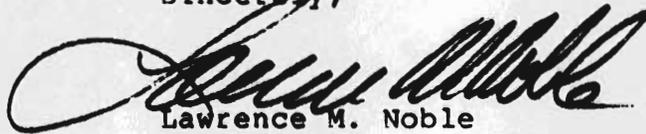
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Letter to Richard F. Friedman
Page 2

other respondents involved. Should Congressman Hayes wish to submit any materials to appear on the public record, please have him do so within 10 days of your receipt of this letter. The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

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Mon 2/23
Levin

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: WILLIAM C. OLDAKER, JR., ESQUIRE
EPSTEIN BECKER BORSODY & GREEN, P.C.
ADDRESS: 1140 19th Street, N.W., Suite 900
Washington, D.C. 20036
TELEPHONE: (202) 861-0900

RECEIVED
GENERAL COUNSEL

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

Date 4/30/87

Charles A. Hayes
Signature

NAME: THE HONORABLE CHARLES A. HAYES
HAYES FOR CONGRESS COMMITTEE
ADDRESS: 4859 Wabash Avenue
Chicago, Illinois 60635
or
1028 Longworth House Office Building
Washington, D.C. 20515
TELEPHONE: (202) 225-4372

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RECEIVED AT THE FEC.

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LAW OFFICES
EARL LANGDON NEAL

EARL L. NEAL
MICHAEL D. LEROY
ANNE L. FREDD
LESTER H. MCKEEVER, JR.
TERRANCE L. DIAMOND
LANGDON D. NEAL

111 WEST WASHINGTON STREET
CHICAGO, ILLINOIS 60602
AREA CODE 312
TELEPHONE 641-7144

July 6, 1987

87 JUL 9 P 3: 29

RECEIVED
GENERAL COUNSEL

Mr. Johnathan Levin
Staff Attorney
Federal Election Commission
999 "E" Street N.W.
Washington D.C. 20463

RE: MUR 2123
1984 Hayes for Congress Committee

Dear Johnathan:

Enclosed is a proposed conciliation agreement executed by me on behalf of the respondents.

Very truly yours,
Richard F. Friedman
Richard F. Friedman

RFF:nt
HAYES

87040660659

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 1984 Hayes for Congress) MUR 2123
 Committee)
 James L. Wright, as)
 treasurer)

7/17/87 9:57

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by counsel to the 1984 Hayes for Congress Committee ("the Committee") and James L. Wright, as treasurer.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the 1984 Hayes for Congress Committee and James L. Wright, as treasurer.
2. Close the file.
3. Approve the attached letters.

7/17/87
Date


 Lawrence M. Noble
 Acting General Counsel

Attachments

1. Conciliation Agreement
2. Letters to respondents
3. Letter to complainant

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
1984 Hayes for Congress) MUR 2123
Committee)
James L. Wright, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 22, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2123:

1. Accept the conciliation agreement with the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, as recommended in the General Counsel's Report signed July 17, 1987.
2. Close the file.
3. Approve the letters, as recommended in the General Counsel's Report signed July 17, 1987.

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

Attest:

7-22-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Fri., 7-17-87, 1:57
Circulated on 48 hour tally basis: Mon., 7-20-87, 11:00
Deadline for vote: Wed., 7-22-87, 11:00

/jw/

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 24, 1987

Richard F. Friedman, Esquire
Earl L. Neal & Associates
111 West Washington Street
Suite 1010
Chicago, Illinois 60602

RE: MUR 2123
1984 Hayes for Congress
Committee
James L. Wright, as
treasurer

Congressman Charles A. -
Hayes

Dear Mr. Friedman:

On July 22, 1987, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, in settlement of violations of 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Lawrence M. Noble (47)
Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

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plm

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
1984 Hayes for Congress) MUR 2123
Committee)
James L. Wright, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Jeffrey W. Ryan. An investigation was conducted, and the Commission found probable cause to believe that the 1984 Hayes for Congress Committee and James L. Wright, as treasurer, ("Respondents") violated 2 U.S.C. § 434(b)(3)(B) and 434(b)(2)(D) by failing to report contributions from certain political committees and inaccurately reporting the amount of total contributions received from political committees, other than authorized committees of the candidate and political party committees.

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

- I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding.
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondents enter voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:
 1. Respondent 1984 Hayes for Congress Committee is the principal campaign committee for the election of Congressman

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Charles A. Hayes to the House of Representatives from the First District of Illinois in 1984.

2. Respondent James L. Wright is the treasurer of the 1984 Hayes for Congress Committee.

3. Respondents failed to report a \$3,000 contribution made by UAW Voluntary Community Action Program ("UAW-V-CAP") on September 26, 1983.

4. Respondents failed to report a \$2,000 contribution made by UAW-V-CAP on December 7, 1983, and received by respondents on January 5, 1984. This contribution was eventually reported on the 1984 Mid-Year Report of the Hayes for Congress Committee, Congressman Hayes' principal campaign committee for the 1983 special elections.

5. Respondents failed to report a \$500 contribution made by the United Food and Commercial Workers Active Ballot Club ("UFCW-ABC") on January 27, 1984.

6. The failure to report the contributions referred to in IV, 3, 4, and 5 resulted in the inaccurate reporting of the total amount of receipts from political committees, other than the candidate's authorized committees or political party committees, on Respondents' 1984 Pre-Primary report, the report covering the dates of these contributions.

7. Section 434(b)(3)(B) of Title 2 states that each report filed by a political committee shall identify each political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution.

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8. Section 434(b)(2)(D) of Title 2 states that each report filed by a political committee shall disclose the total of receipts from political committees, other than authorized committees of the candidate or political party committees.

V. Respondents failed to report certain contributions from political committees in violation of 2 U.S.C. § 434(b)(3)(B).

VI. Respondents inaccurately reported the total amount of receipts from political committees in violation of 2 U.S.C. § 434(b)(2)(D).

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Seven Hundred Dollars (\$700), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondents will amend the reports of the 1984 Hayes for Congress Committee to report correctly in the 1984 Pre-Primary Report the contributions referred to in IV.

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

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

XI. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and

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implement the requirements contained in this agreement and to so notify the Commission.

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

FOR THE COMMISSION:

Lawrence M. Noble (L.M.) 7/24/87
 Lawrence M. Noble Date
 Acting General Counsel

FOR THE RESPONDENTS:

Richard F. Friedman July 1, 1987
 (Name) Date
 (Position) attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 24, 1987

Michael Ernest Avakian, Esquire
Center on National Labor Policy
Suite 400
5211 Post Royal Road
North Springfield, VA 22151

RE: MUR 2123

Dear Mr. Avakian:

This is in reference to the complaint you filed with the Federal Election Commission on January 14, 1986 concerning alleged excessive contributions to the 1984 Hayes for Congress Committee ("the 1984 Hayes Committee") and alleged reporting violations by the 1984 Hayes Committee.

After conducting an investigation in this matter, the Commission found that there was probable cause to believe that the 1984 Hayes Committee and James L. Wright, as treasurer, violated 2 U.S.C. § 434(b)(3)(b) and 434(b)(2)(D), provisions of the Federal Election Act of 1971, as amended. On July 22, 1987, a conciliation agreement signed by counsel for the respondents was accepted by the Commission, thereby concluding the matter. Accordingly, the Commission closed the file in this matter on that date. A copy of this agreement is enclosed for your information.

In addition, the Commission made a number of determinations pertaining to the 1984 Hayes Committee and other respondents in this matter. Copies of General Counsel's reports pertaining to those determinations are enclosed.

If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Lawrence M. Noble (LJ)
Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement
General Counsel's Reports

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 24, 1987

Herbert V. Adams, III, Esquire
188 West Randolph Street
Suite 727
Chicago, Illinois 60601

RE: MUR 2123
United Food and
Commercial Workers Local
500P

Dear Mr. Adams:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M Noble (LL)
Lawrence M. Noble
Acting General Counsel

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rem



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 24, 1987

Edward P. Wendel, Esquire
Assistant General Counsel
United Food and Commercial Workers
1775 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2123
United Food and
Commercial Workers -
Active Ballot Club
Anthony Luty, as
treasurer

United Food and
Commercial Workers Local
100P

Dear Mr. Wendel:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

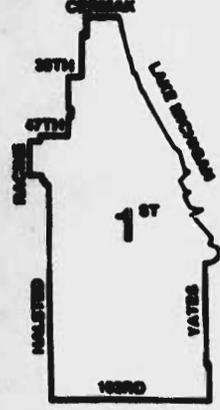
Lawrence M. Noble (LH)
Lawrence M. Noble
Acting General Counsel

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Charles Hayes COMMITTEE



1st Congressional District
4859 South Wabash Avenue
312/373-2200

15 September, 1987

Jonathan Levin, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20004

MUR #2123

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 SEP 17 AM 10:24

Dear Mr. Levin:

Enclosed please find a check in the amount of \$700.00 to cover penalties levied against the Hayes for Congress Committee as a result of charges for failure to report contributions.

Thank you for your assistance.

Sincerely,

Charles A. Hayes
CHARLES A. HAYES

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HAYES FOR CONGRESS COMMITTEE

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September 15, 19 87

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PAY TO THE ORDER OF Federal Election Commission \$ 700.00

Seven Hundred and 00/100 DOLLARS



FEDERAL SAVINGS BANK
of Washington, D.C. 20036

Charles Hayes

FOR MUR 2123

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CCC#4383

MEMORANDUM

TO: DEBRA A. TRIMIEW TO: CECILIA LIEBER
FROM: CECILIA LIEBER FROM: DEBRA A. TRIMIEW

CHECK NO. 1141 { A COPY OF WHICH IS ATTACHED } RELATING TO
MUR 2123 AND NAME Charles A. Hayes, Hayes for Congress Cmte. (1984) and United Food and Commercial Workers Active Ballot Club & treas.

WAS RECEIVED ON 9/17/87. 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. Trimiew DATE 9/18/87

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2123

DATE FILMED 10/29/87 CAMERA NO. 3

CAMERAMAN GPC

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

M12-21-87

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2123.

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HAYES FOR CONGRESS COMMITTEE

1141

September 15, 19 87

15-7007
2540

PAY TO THE ORDER OF Federal Election Commission \$ 700.00

Seven Hundred and 00/100 DOLLARS



FEDERAL SAVINGS BANK
of Washington, D.C. 20036

Charles Hayes

FOR MUR 2123

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CCC#4383

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

CHECK NO. 1141

MUR 2123

AND NAME

{ A COPY OF WHICH IS ATTACHED } RELATING TO
Charles A. Hayes, Hayes for Congress Cmte.
(1984) and United Food and Commercial Workers
Active Ballot Club & treas.

WAS RECEIVED ON 9/17/87

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. Trimiew

DATE 9/18/87

87 SEP 17 AM 10:24

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

CCC# 4383

Charles Hayes COMMITTEE

1st Congressional District
4859 South Wabash Avenue
312/373-2200



15 September, 1987

Jonathan Levin, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20004

MUR #2123

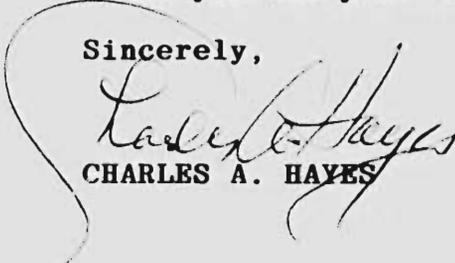
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 SEP 17 AM 10:24

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Thank you for your assistance.

Sincerely,


CHARLES A. HAYES

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