



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 2146

Date Filmed 2/2/97 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

routing cards                      assignment sheet

circulation sheets                      repts re: circulation

Commissioner Comment Sheet                      12 Day Reports/Comment Sheets

objection sheets                      certs. re: circulation

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- (1) Classified Information
- (2) Internal rules and practices
- (3) Exempted by other statute
- (4) Trade secrets and commercial or financial information
- (5) Internal Documents
- (6) Personal privacy
- (7) Investigatory files
- (8) Banking information
- (9) Well Information (geographic or geophysical)

Signed SE Barr  
date 1/14/87

FEC 9-21-77

*YTD*  
*1/20/87*

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 18, 1986

H. Fred Northcraft  
Smith, Gill, Fisher, and Rutts  
14th Floor Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

On December 11, 1986, the Commission accepted the conciliation agreement signed by you on behalf of your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as Treasurer in settlement of a violation of 2 U.S.C. § 434, a provision of the Federal Election Campaign Act of 1971, as amended and 11 C.F.R. § 104.11. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

87040534646



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, and Rutts  
14th Floor Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

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Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

Reg 12/18/86

THW  
12/18/86

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )  
)

**CONCILIATION AGREEMENT**

This matter was initiated by a signed, sworn, and notarized complaint by Daniel Swillinger on behalf of Campaign Planning Inc. The Commission found reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, ("Respondents") violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation, and an investigation was conducted.

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

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

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

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

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

1. Respondent Allen for Congress Committee ("Allen Committee") is a political committee registered with the Federal Election Commission.

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2. Charles W. Haren, Jr., is treasurer of the Allen for Congress Committee.

3. On or about April 1, 1984, the Allen Committee entered into a contract with Campaign Planning Inc. ("CPI") in which CPI agreed to provide planning, political consulting and advertising production services for the candidate, Marjorie Powell Allen.

4. From April through August, 1984, the Allen Committee paid approxiamtely \$62,000 in fees and travel reimbursements to CPI.

5. The Allen Committee did not pay for invoices dated September 27, August 18, August 1, and July 26, 1984, which totalled \$13,862.54, which the Committee contends it believed were incorrect.

6. By letter dated July 30, 1985, counsel for the Allen Committee offered to settle the matter for \$9,200. This Office was rejected by counsel for CPI in October, 1985.

7. The Allen Committee did not report the disputed outstanding obligation on its 1984 October Quarterly Report and all subsequent reports.

8. On July 7, 1986, the Allen Committee filed an amended Year End Report which listed the \$13,862.54 disputed debt as an outstanding obligation to CPI.

V. Pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature

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of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

VI. Respondents did not report the \$13,862.54 disputed debt as an outstanding obligation in a timely manner, in violation of 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of <sup>One</sup>~~Two~~ <sup>Twenty</sup> <sup>120</sup> Hundred <sup>21.11</sup> Dollars (\$200) pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

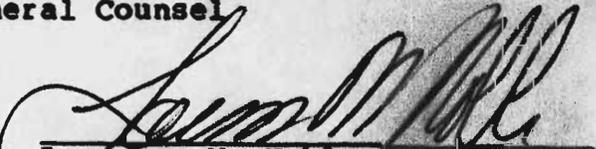
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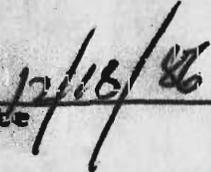
oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

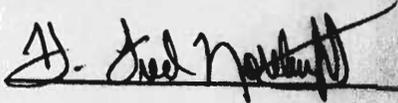
Charles N. Steele  
General Counsel

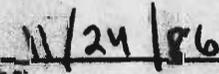
BY:

  
Lawrence M. Noble  
Deputy General Counsel

  
Date

FOR THE RESPONDENTS:

  
\_\_\_\_\_

  
Date

87040534651

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee )  
Charles W. Haren, Jr., Treasurer )

MUR 2146

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 11, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 2146:

1. Accept the conciliation agreement in settlement of this matter, as recommended in the General Counsel's Report signed December 9, 1986.
2. Close the file.
3. Approve and send the letter, as recommended in the General Counsel's Report signed December 9, 1986.

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

Attest:

12-12-86

Date

Cheryl A. Fleming

for Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:	Tues.,	12-9-86,	11:36
Circulated on 48 hour tally basis:	Tues.,	12-9-86,	4:00
Deadline for vote:	Thurs.,	12-11-86,	4:00

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BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
 )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

**GENERAL COUNSEL'S REPORT**

**I. Background**

On May 20, 1986, the Commission determined that there is reason to believe that the Allen for Congress Committee ("Allen Committee") and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation.

86 DEC 9 3  
COMM. ON  
ELECTIONS  
U.S. HOUSE OF REPRESENTATIVES

By letter dated August 7, 1986, the Commission notified counsel for the Allen Committee that it had approved the Committee's request for pre-probable cause conciliation and forwarded to him a proposed conciliation agreement.

Counsel contacted the Commission on September 9 and 25, 1986, and proposed a counter-conciliation agreement

On November 13, 1986, the Commission notified counsel that it had reviewed the Allen Committee's proposed agreement and made two changes:

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In view of the facts that the Allen Committee: 1) is no longer active and has no other remaining debts; 2) filed an amended 1985 Year End Report dated June 20, 1985, itemizing the disputed debt, prior to its request for pre-probable cause conciliation; and 3) has tentatively agreed upon a settlement with the creditor regarding this disputed debt, this Office recommends that the Commission accept this agreement in settlement of this matter and close the file.

**II. RECOMMENDATION**

The Office of General Counsel recommends that the Commission:

- 1) Accept this agreement in settlement of this matter;
- 2) Close the file; and
- 3) Approve and send the attached letter.

Charles N. Steele  
General Counsel

12/9/86  
Date

BY:   
Lawrence M. Noble  
Deputy General Counsel

**Attachments**

- 1) Response and counter conciliation agreement
- 2) Proposed letter

87040634654

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Daniel Swillinger on behalf of Campaign Planning Inc. The Commission found reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, ("Respondents") violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation, and an investigation was conducted.

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

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

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

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

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

1. Respondent Allen for Congress Committee ("Allen Committee") is a political committee registered with the Federal Election Commission.

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2. Charles W. Haren, Jr., is treasurer of the Allen for Congress Committee.

3. On or about April 1, 1984, the Allen Committee entered into a contract with Campaign Planning Inc. ("CPI") in which CPI agreed to provide planning, political consulting and advertising production services for the candidate, Marjorie Powell Allen.

4. From April through August, 1984, the Allen Committee paid approximately \$62,000 in fees and travel reimbursements to CPI.

5. The Allen Committee did not pay for invoices dated September 27, August 18, August 1, and July 26, 1984, which totalled \$13,862.54, which the Committee contends it believed were incorrect.

6. By letter dated July 30, 1985, counsel for the Allen Committee offered to settle the matter for \$9,200. This Office was rejected by counsel for CPI in October, 1985.

7. The Allen Committee did not report the disputed outstanding obligation on its 1984 October Quarterly Report and all subsequent reports.

8. On July 7, 1986, the Allen Committee filed an amended Year End Report which listed the \$13,862.54 disputed debt as an outstanding obligation to CPI.

V. Pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature

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of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

VI. Respondents did not report the \$13,862.54 disputed debt as an outstanding obligation in a timely manner, in violation of 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of \_\_\_\_\_ pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

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D.(4)

oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

**FOR THE COMMISSION:**

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

**BY:**

\_\_\_\_\_  
**Lawrence M. Noble**  
**Deputy General Counsel**

\_\_\_\_\_  
**Date**

**FOR THE RESPONDENTS:**

\_\_\_\_\_  
*A. Fred [Signature]*

\_\_\_\_\_  
*11/24/86*  
**Date**

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*D(5)*



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, and Butts  
14th Floor Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: Allen for Congress Committee  
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Treasurer

Dear Mr. Northcraft:

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

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

II(6)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

CERTIFICATION

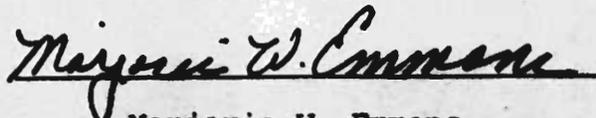
I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 3, 1986, the Commission decided by a vote of 4-0 to take the following actions in MUR 2146:

1. 
2. 
3. Approve and send the proposal and letter, as recommended in the General Counsel's Report signed October 29, 1986.

Commissioners Elliott, Josefiak, McDonald and Thomas voted affirmatively for this decision; Commissioners Aikens and McGarry did not vote.

Attest:

11-3-86  
Date

  
Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:	Thurs.,	10-30-86,	9:26
Circulated on 48 hour tally basis:	Thurs.,	10-30-86,	4:00
Deadline for vote:	Mon.,	11-4-86,	4:00

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

**GENERAL COUNSEL'S REPORT**

**I. Background**

On May 20, 1986, the Commission determined that there was reason to believe that the Allen for Congress Committee ("Committee") and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a \$13,682 disputed debt with Campaign Planning, Inc. as an outstanding obligation on its 1984 October Quarterly Report and all subsequent reports.

On August 7, 1986, the Commission notified counsel for the Committee that it had approved the Committee's request for pre-probable cause conciliation and forwarded to it a proposed conciliation agreement.

Counsel's response and counter conciliation agreement were received by the Commission on September 9, 1986. The counter agreement contained the following changes:

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

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Counsel's response and counter conciliation agreement were received by the Commission on September 9, 1986. The counter agreement contained the following changes:

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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This Office has had several telephone conversations with counsel and subsequent correspondence, most recently on

September 29, 1986 (Attachment II). Counsel argues that the \$13,862.54 disputed debt is the only debt which has not been paid in full by the candidate. Further, although it is now subject of a civil suit, settlement has been tentatively agreed upon and it will be settled for less than the amount sought.

The fact is, however, that the Committee failed to report a disputed debt.

Office recommends that the Commission reject the proposed agreement for the reasons noted, and send counsel the attached letter giving them 10 days to accept the modified agreement.

**RECOMMENDATION**

The Office of General Counsel recommends that the Commission:

1. Reject the counter conciliation agreement submitted on behalf of the Allen for Congress Committee.
2. Approve the proposed counter-offer.

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3. Approve and send the attached proposal and letter.

Charles N. Steele  
General Counsel

10/29/86  
Date

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

**Attachments**

- 1. Response
- 2. Proposed letter

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LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**

INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

922 WALNUT STREET

KANSAS CITY, MISSOURI 64108

(816) 474-7400

CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. NOUSER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLES  
S. JOHN READEY, III  
RICHARD A. KING  
THADDEUS M. KRAMAR  
SHARON A. COONEY  
IRVIN V. BELZER  
JOSEPH L. HIERSTEINER

OWEN K. BALL, JR.  
ANNE M. BLESSING  
LARRY D. IRICK  
D. BRADFORD JOHNSON  
SHEILA JANICKE  
W. WOODY SCHLOSSER  
GREGORY D. KINCAID  
JULIE C. FRICKLETON  
MARC L. KUENNERLEIN  
NICHELE A. BONNAG  
STEVEN L. RIST  
FRANK W. LIPSMAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERVASO  
CHARLES W. GORDON, JR.

September 4, 1986

SEP 9 10:46 AM '86

Ms. Shelly Garr  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen for Congress Committee

Dear Ms. Garr:

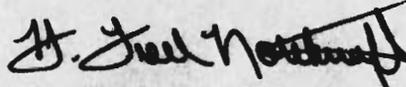
Pursuant to our recent telephone conversations, enclosed is the Conciliation Agreement with the Committee's changes marked in red. We sincerely hope that these changes will be acceptable since we believe they more accurately reflect the nature and character of the matter at hand.

If you have any questions, please let me know.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:jlf

Enclosure

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DC(i)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )  
)

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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:

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87040534667

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V. Pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

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XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

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JUL 11 1986

**HAND DELIVERED**  
36 SEP 29 09:51

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED  
FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
922 WALNUT STREET  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

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DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. MOUSER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
S. JOHN READEY, III  
RICHARD A. KING  
THADDEUS M. KRAMAR  
SHARON A. COONEY  
IRVIN V. BELZER  
JOSEPH L. NIERSTEINER

OWEN K. BALL, JR.  
ANNE H. BLESSING  
LARRY D. IRICK  
D. BRADFORD JOHNSON  
SHEILA M. JANICKE  
W. WOODY SCHLOSSER  
GREGORY D. HINCAID  
JULIE C. FRICHELTON  
MARC L. KUENNERLEIN  
NICHELE A. GONNAG  
STEVEN L. RIST  
FRANK W. LIPSMAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERKE  
CHARLES W. GORDON, JR.

September 25, 1986

Ms. Shelly Garr  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen For Congress Committee

Dear Ms. Garr:

This will confirm and supplement our September 25 telephone conversation relating to the captioned matter and specifically the proposed Conciliation Agreement which I have retyped and enclose herewith formally incorporating the suggestions contained in my September 4 revision.

87040534671

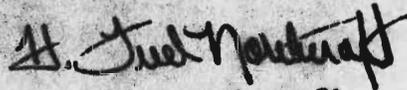
36 SEP 29 10:38

101-29872

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:jlf

U(1)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, and Butts  
14th Floor Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

This letter is to confirm the Commission's receipt of your proposed conciliation agreement on behalf of your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, on September 9, 1986, and your subsequent correspondence dated September 25, 1986.

Conciliation negotiations prior to a finding of probable cause to believe are limited to a maximum of thirty (30) days. As the time for pre-probable cause conciliation has expired, we ask for your response to the Commission's counter conciliation proposal within ten days of your receipt of this notification. If you do not accept the Commission's proposal with that time, this Office will proceed to the next step in the enforcement process by submitting to you and to the Commission a brief, recommending whether or not the Commission should find probable cause to believe your committee violated the pertinent sections of the Federal Election Campaign Act.

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

Sincerely,

Charles N. Steele  
General Counsel

BY: Lawrence M. Noble  
Deputy General Counsel

III (12)

87040534673

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )  
)

**CONCILIATION AGREEMENT**

This matter was initiated by a signed, sworn, and notarized complaint by Daniel Swillinger on behalf of Campaign Planning Inc. The Commission found reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, ("Respondents") violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation, and an investigation was conducted.

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

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

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

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

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

1. Respondent Allen for Congress Committee ("Allen Committee") is a political committee registered with the Federal Election Commission.

87040534674

2. Charles W. Haren, Jr., is treasurer of the Allen for Congress Committee.

3. On or about April 1, 1984, the Allen Committee entered into a contract with Campaign Planning Inc. ("CPI") in which CPI agreed to provide planning, political consulting and advertising production services for the candidate, Marjorie Powell Allen.

4. From April through August, 1984, the Allen Committee paid approximately \$62,000 in fees and travel reimbursements to CPI.

5. The Allen Committee did not pay for invoices dated September 27, August 18, August 1, and July 26, 1984, which totalled \$13,862.54, which the Committee contends it believed were incorrect.

6. By letter dated July 30, 1985, counsel for the Allen Committee offered to settle the matter for \$9,200. This Office was rejected by counsel for CPI in October, 1985.

7. The Allen Committee did not report the disputed outstanding obligation on its 1984 October Quarterly Report and all subsequent reports.

8. On July 7, 1986, the Allen Committee filed an amended Year End Report which listed the \$13,862.54 disputed debt as an outstanding obligation to CPI.

V. Pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature

R 7 0 4 0 6 3 4 6 7 5

of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

VI. Respondents did not report the \$13,862.54 disputed debt as an outstanding obligation in a timely manner, in violation of 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

VIII. 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.

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

87040634676

114 (15)

oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

\_\_\_\_\_  
Lawrence M. Noble  
Deputy General Counsel

\_\_\_\_\_  
Date

FOR THE RESPONDENTS:

\_\_\_\_\_

\_\_\_\_\_  
Date

87040534677



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

*plm*

August 7, 1986

H. Fred Northcraft  
Smith, Gill, Fisher, and Butts  
14th Floor, Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

On May 20, 1986, the Commission found reason to believe that your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation. At your request, the Commission determined on July 29, 1986, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, and Butts  
14th Floor, Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

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Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosures

*See 8/6/86*

*10/2/86*

87040634679

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 29, 1986, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2146:

1. Enter into conciliation with the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, prior to a finding of probable cause to believe.

2.

b)

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

Attest:

7-30-86

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

87040534680

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
Allen for Congress Committee )  
Charles W. Haren, Jr., Treasurer )

MUR-2146 23 25:02

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On May 20, 1986, the Commission determined there is reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation.

By letter dated June 18, 1986, counsel for the Allen Committee requested that this matter be settled prior to a finding of probable cause to believe (Attachment I).

87040634681

[Redacted section]

[Redacted section]

**II. RECOMMENDATION**

The Office of General Counsel recommends that the

Commission:

1. Enter into conciliation with the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, prior to a finding of probable cause to believe;
2. Approve and authorize the sending of the attached letter and conciliation agreement.

Charles W. Steele  
General Counsel

7/23/36  
Date

BY:   
Lawrence H. Noble  
Deputy General Counsel

**Attachments**

1. Response
2. Proposed letter and conciliation agreement

87040634682

REC'D  
GCC# 759  
06 JUN 20 4:54

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED  
FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
622 WALNUT STREET  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM S. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. SAVISON  
HENDRICK T. WALLACE  
DAVID R. SCHLES  
S. JOHN READEY, III  
RICHARD A. KING  
THADDEUS M. KRAMAN  
SHARON A. COONEY  
WERN V. SELZER  
JOSEPH L. HIRSHSTEINER

OWEN K. BALL, JR.  
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LARRY S. IRICK  
D. BRADFORD JOHNSON  
SHEILA JARICHE  
W. WOODY SCHLOSSER  
GREGORY D. KIRKLAND  
JAMES C. FRICHTLEY  
MARC L. KUENNERLEIN  
NICHELE A. SONNAG  
STEVEN L. RIST  
FRANK C. LIPSHAN  
BRIAN S. O'NEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERKE  
CHARLES W. GORDON, JR.

June 18, 1986

Ms. Shelley Garr  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen For Congress Committee  
Charles W. Baren, Jr., Treasurer

Dear Ms. Garr:

This will confirm and supplement our telephone conversation June 16 relating to the captioned matter. We have reviewed the Commission's May 27 letter and although we do not agree that any violation occurred, we would like to settle the matter through conciliation prior to a finding of probable cause. Accordingly, the Committee is preparing an amended quarterly report which will list the disputed debt and will file same as soon as possible.

If you have any questions or comments, please let me know.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By *H. Fred Northcraft*  
H. Fred Northcraft

HFN:jlf

cc: Mr. Charles W. Baren, Jr.  
Marjorie Powell Allen

Attachment I (1)

87040534683

15 JUN 20 P 3: 30

6/18/86

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Daniel Swillinger on behalf of Campaign Planning Inc. The Commission found reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, ("Respondents") violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation, and an investigation was conducted.

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

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

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

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

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

1. Respondent Allen for Congress Committee ("Allen Committee") is a political committee registered with the Federal Election Commission.

870440534684

2. Charles W. Haren, Jr., is treasurer of the Allen for Congress Committee.

3. On or about April 1, 1984, the Allen Committee entered into a contract with Campaign Planning Inc. ("CPI") in which CPI agreed to provide planning, political consulting and advertising production services for the candidate, Marjorie Powell Allen.

4. From April through August, 1984, the Allen Committee paid approximately \$62,000 in fees and travel reimbursements to CPI.

5. The Allen Committee failed to pay for invoices dated September 27, August 18, August 1, and July 26, 1984, which totalled \$13,862.54.

6. By letter dated July 30, 1985, counsel for the Allen Committee offered to settle the matter for \$9,200. This offer was rejected by counsel for CPI in October, 1985.

7. The Allen Committee failed to report the outstanding obligation on its 1984 October Quarterly Report and all subsequent reports.

8. On July 7, 1986, the Allen Committee filed an amended Year End Report which listed the \$13,862.54 outstanding obligation to CPI.

V. Pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

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VI. By failing to report the \$13,862.54 outstanding obligation in a timely manner, respondents are in violation of 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of [REDACTED]

[REDACTED] pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

87040534686

oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

Lawrence M. Noble  
Deputy General Counsel

\_\_\_\_\_  
Date

FOR THE RESPONDENTS:

\_\_\_\_\_

\_\_\_\_\_  
Date

87040534687



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, and Butts  
14th Floor, Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

On May 20, 1986, the Commission found reason to believe that your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation. At your request, the Commission determined on , 1986, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosures

II(c)

87040534688

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED  
FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
922 WALNUT STREET  
KANSAS CITY, MISSOURI 64105  
(816) 474-7400  
CABLE "SMITHLAW"

RECEIVED AT THE FEC  
GCC 872  
86 JUL 7 9:05

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
S. JOHN READEY, III  
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MARC L. KUENHERLEIN  
NICHELE A. BONHAG  
STEVEN L. RIST  
FRANK W. LIPSHAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERKE  
CHARLES W. GORDON, JR.

June 30, 1986

Ms. Shelley Garr  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen for Congress Committee

Dear Ms. Garr:

Pursuant to our recent telephone conversation, enclosed is the amended filing on behalf of the Committee disclosing the disputed debt.

If you require anything further, please let me know.

Very truly yours,

SMITH, GILL, FISHER & BUTTS  
INCORPORATED

*H. Fred Northcraft*  
H. Fred Northcraft

HFN:jif  
Enclosure

R 7 0 4 0 3 4 6 8 9

86 JUL 7 10:43

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

REPORTS OF RECEIPTS AND DISBURSEMENT  
For Authorized Committees

RECEIVED BY THE FEC

86 JUL 7 9:05

(Summary Page)

ALIGN AREA ALIGN AREA

1. Name of Committee (in Full) MARJORIE POWELL ALLEN FOR CONGRESS  
 2. FEC Identification Number 110469  
 Address (Number and Street) P.O. Box 1270  
 3. Is this Report an Amendment?  YES  NO  
 City, State and Zip Code Shawnee Mission, KS 66207  Check if address is different than previously reported.

4. TYPE OF REPORT

April 15 Quarterly Report  Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_

July 15 Quarterly Report  Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_

October 15 Quarterly Report

January 31 Year End Report

July 31 Mid Year Report (Non-election Year Only)  Termination Report

This report contains activity for -  Primary Election  General Election  Special Election  Runoff Election

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>JULY 1, 1985 through DEC 31, 1985</u>		
6. Net Contributions (other than loans)			
(a) Total Contributions (other than loans) (From Line 11 (a))			
(b) Total Contribution Refunds (from Line 20 (d))			
(c) Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))		0	0
7. Net Operating Expenditures			
(a) Total Operating Expenditures (from Line 17)		0	700.00
(b) Total Offsets to Operating Expenditures (from Line 14)		0	3,987.27
(c) Net Operating Expenditures (Subtract Line 7 (b) from 7 (a))		0	<3,287.27>
8. Cash on Hand at Close of Reporting Period (from Line 27)		3,338.45	
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)			
10. Debts and Obligations Owed BY The Committee (Itemize all on Schedule C or Schedule D)		\$ 13,862.54	

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 800-424-9530  
Local 202 523 4068

TOD HAREN  
Type or Print Name of Treasurer

Tod Haren  
SIGNATURE OF TREASURER

6/30/86  
Date

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

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

87040534690

DEBTS AND OBLIGATIONS  
Excluding Loans

Name of Committee (in Full)	Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
<b>MARJORIE POWELL ALLEN FOR CONGRESS</b> A. Full Name, Mailing Address and Zip Code of Debtor or Creditor WILLIAM F. ROESING CAMPAIGN PLANNING, INC. 6300 RIDGEBLVD RD. BETHESDA, MD 20815	\$13,862.54 (DISPUTED DEBT)		0	13,862.54
Nature of Debt (Purpose): MEDIA BUYING (DISPUTED DEBT)				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
1) SUBTOTALS This Period This Page (optional) .....				
2) TOTAL This Period (last page this line only) .....				\$13,862.54
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only) .....				
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only) .....				

87040534691

RECEIVED AT THE FEC

GCC# 759

86 JUN 20 11: 54

LAW OFFICES  
SMITH, GILL, FISHER & BUTTS

INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

922 WALNUT STREET

KANSAS CITY, MISSOURI 64108

(816) 474-7400

CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. SWANSON  
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DAVID R. SCHLEE  
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SHARON A. COONEY  
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OWEN K. BALL, JR.  
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MARC L. KUENNERLEIN  
MICHELE A. BONHAG  
STEVEN L. RIST  
FRANK W. LIPSMAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. BERKE  
CHARLES W. GORDON, JR.

June 18, 1986

CRANES & CO. INC.

86 JUN 20 P 3: 30

RECEIVED  
GENERAL COUNSEL

Ms. Shelley Garr  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen For Congress Committee  
Charles W. Haren, Jr., Treasurer

Dear Ms. Garr:

This will confirm and supplement our telephone conversation June 16 relating to the captioned matter. We have reviewed the Commission's May 27 letter and although we do not agree that any violation occurred, we would like to settle the matter through conciliation prior to a finding of probable cause. Accordingly, the Committee is preparing an amended quarterly report which will list the disputed debt and will file same as soon as possible.

If you have any questions or comments, please let me know.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By

*H. Fred Northcraft*

H. Fred Northcraft

HFN:jlf

cc: Mr. Charles W. Haren, Jr.  
Marjorie Powell Allen

87040534692



FEDERAL EL  
WASHINGTON, D.

Marjorie Powell Allen  
30 LeMans Court  
Prarie Village, Kansas



06 JUN 20 All: 54

FEC

Dear Ms. Allen:

On March 13, 198  
Congress Committee ("  
treasurer, of a compl  
of the Federal Electi

The Commission,  
basis of the informa  
provided by counsel  
believe that a viola  
has been committed b  
its file in this mat  
become a part of the  
has been closed with  
reminds you that the  
SS 437g(a)(4)(B) and  
entire matter is cl  
entire file has been

Ms. Shelley Garr  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463



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file  
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LAW OFFICES  
SMITH, GILL, FISHER & BUTTS  
INCORPORATED  
FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
922 WALNUT STREET  
KANSAS CITY, MISSOURI 64106

LAW OFFICES

**SMITH, GILL, FISHER & BUTTS**

INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

922 WALNUT STREET

KANSAS CITY, MISSOURI 64108

Ms. Shelley Garr  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

PS: 11  
11:54

101111001111001111



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 27, 1986

Marjorie Powell Allen  
30 LeMans Court  
Prarie Village, Kansas 66206

RE: MUR 2146  
Marjorie Powell Allen

Dear Ms. Allen:

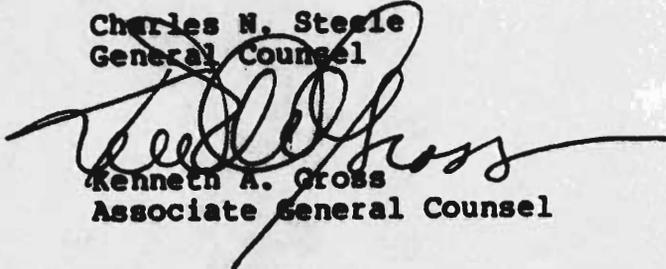
On March 13, 1986, the Commission notified you, the Allen for Congress Committee ("Committee") and Charles W. Haren, Jr., as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on May 20, 1986, determined that on the basis of the information in the complaint, and information provided by counsel for your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed by you. Accordingly, the Commission closed its file in this matter as it pertains to you. 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

87040634695



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Marjorie Powell Allen  
30 LeMans Court  
Prarie Village, Kansas 66206

RE: MUR 2146  
Marjorie Powell Allen

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Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Recy 5/29/86

870405346696



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 27, 1986

H. Fred Northcraft  
Smith, Gill, Fisher, & Butts, Inc.  
Fourteenth Floor Commerce Trust Bldg.  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

The Federal Election Commission notified your clients on March 13, 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 your clients at that time. We acknowledge receipt of your explanation of this matter which was dated March 10, 1986.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 20, 1986, determined that there is reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr. as treasurer violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11, provisions of the Act by failing to report a disputed debt as an outstanding obligation. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within fifteen days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. You should be advised, however, that if pre-probable cause conciliation is requested, the Commission is under no obligation to propose a conciliation agreement until it has completed its investigation in this matter. Also, under 11 C.F.R. § 111.18(d), the Commission is not required to enter into any negotiations directed towards reaching a conciliation agreement unless and until it makes a finding of probable cause to believe. In the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

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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 your clients wish the matter to be made public. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



John Warren McGarry  
Vice Chairman

Enclosures  
Procedures

87040334698



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, & Butts, Inc.  
Fourteenth Floor Commerce Trust Bldg.  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

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87040534699  
Rec 5/23/86

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Marjorie Powell Allen, )  
Allen for Congress, and )  
Charles W. Haren, Jr., )  
Treasurer )

MUR 2146

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session of May 20, 1986, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2146:

1. Find no reason to believe that Marjorie Powell Allen violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.
2. Find reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.
3. Approve the letters attached to the First General Counsel's signed Report of May 8, 1986, as amended.

Commissioners Elliott, Harris, Josefiak, McDonald, and McGarry voted affirmatively for this decision. Commissioner Aikens was not present.

Attest:

5-20-86

Date

*Mary W. Dove*

Mary W. Dove  
Administrative Assistant

87040534700

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

RECEIVED  
OFFICE OF  
COMMISSIONER  
**SENSITIVE**

FIRST GENERAL COUNSEL'S REPORT MAY 8 P 4: 30

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION:

MUR #2146  
DATE COMPLAINT RECEIVED  
BY OGC 2/25/86  
DATE OF NOTIFICATION TO  
RESPONDENT 3/31/86  
STAFF MEMBER Garr

COMPLAINANT'S NAME: Campaign Planning, Inc.  
RESPONDENT'S NAME: Marjorie Powell Allen, Allen for  
Congress, and Charles W. Haren, Jr.,  
Treasurer  
RELEVANT STATUTE: 2 U.S.C. § 434  
11 C.F.R. § 104.11  
INTERNAL REPORTS  
CHECKED: FEC Disclosure Documents  
FEDERAL AGENCIES  
CHECKED: N/A

I. SUMMARY OF ALLEGATIONS

On February 25, 1986, a complaint was filed by counsel for Campaign Planning, Inc, ("CPI") alleging that Marjorie Powell Allen, the Allen for Congress Committee ("Committee") and its treasurer, Charles W. Haren, Jr., violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to disclose on its 1984 October Quarterly and all subsequent reports, a \$13,862 outstanding balance owed to Campaign Planning, Inc.<sup>1/</sup>

<sup>1/</sup> Campaign Planning has filed suit in Superior Court for the District of Columbia to recover the \$13,862 plus an additional \$4,000 in consulting fees due under the alleged contract.

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Counsel alleged that on or about April 1, 1984, Marjorie Allen entered into contract with Campaign Planning, Inc. in which CPI agreed to provide planning, political consulting, and advertising production services for Mrs. Allen.<sup>2/</sup> From April through August, 1984, the Committee paid approximately \$62,000 in fees and travel reimbursements to CPI. However, counsel continued, since late July, Mrs. Allen failed to pay for four invoices, totalling \$13,862.54.<sup>3/</sup>

According to her counsel, the invoices have not been paid, because Mrs. Allen believes she did not receive full value for the consulting services which were provided to her.

Although she has offered to settle the \$13,860 for \$9,200 the offer was rejected by CPI.

In a response to the notification of complaint, counsel for the Allen Committee refuted several of CPI's allegations: first, that Mrs. Allen did not enter into a contract with CPI, nor is there any written contract signed by the parties to this dispute; second, that the invoices in question were not paid because the Committee believed that no further sums were due and advised CPI and its counsel that the amounts were disputed; and third, that Mrs. Allen made no settlement offer; that it was, in fact, made

<sup>2/</sup> Counsel failed to provide any written documentation or evidence indicating whether such contract was written or oral.

<sup>3/</sup> The Allen Committee reported \$1,298.27 (9/7/84) and \$29,460.30 (7/24/84) on its 1984 October Quarterly Report, and \$20,475.00 (6/1/84) and \$10,000 (5/9/84) on its 1984 July Quarterly Report as disbursements to Campaign Planning Inc.

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by her counsel only because the Committee wished to dispose of the matter and not because it thought any sums were due.

## II. FACTUAL AND LEGAL ANALYSIS

In this matter, Campaign Planning, Inc. contends that the Committee received the value of \$13,862 (above the \$61,233.57 already paid) in services from Campaign Planning, yet was willing to pay only the sum of \$9,200 for the services. The remaining \$4,622 is in dispute. The issue here is whether this disputed debt was required to be reported pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

Pursuant to U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

The Commission determined in Advisory Opinion 1976-85 that a committee is required to report as an outstanding debt the amount of a debt in dispute. The reasoning in AO 1976-85 was that the Act required reports which are filed to include "the amount and nature of debts and obligations owed by the committee," and that the Commission's then proposed regulations stated that this included any "promises to make contributions and expenditures." The opinion further stated that since the Act defined "expenditure" to include "... a contract, promise or agreement, express or implied, whether or not legally enforceable, to make

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expenditure' (2 U.S.C. § 431(f)(2)), " a disputed claim was required to be reported even if the validity of the debt was the subject of litigation. The Commission observed in that opinion that the Committee would be free to accompany the reporting of the disputed debt with a caveat to the effect that the debt was contested.

The disputed debt to Campaign Planning, Inc. would be required to be reported by the Committee if the analysis of Advisory Opinion 1976-85 was applied alone. However, the statute has been amended since the issuance of Advisory Opinion 1976-86. In the 1979 Amendments, Congress added the word "written" to the definition of "expenditure", so that now a "written contract, promise, or agreement to make an expenditure" is required. See 2 U.S.C. § 431(9)(A)(ii). This change, along with the deletion of the phrase "whether or not legally enforceable", suggests that Congress wished to remove from the reporting requirements those contracts, promises, and agreements which are merely oral in nature.

In light of the statutory change noted, it would appear that the Committee was under no obligation to report any disputed obligations which arose from the initial "contract." Although the Committee contends that the "contract" in this case is non-enforceable because no "written contract" existed, it is the view of this Office that the principle enunciated in Advisory Opinion 1975-86 is sound with respect to those situations in which a

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committee has actually received the goods or services involved and has been billed for such goods or services. Invoices from CPI to the Allen Committee (see Attachment I(6) - I(13)) clearly indicate that services were provided to the Allen Committee.

The Office of General Counsel believes that the Committee should have reported as an outstanding debt the amount it was billed in writing but which it had not paid at the end of the respective reporting period. Such disclosure should be required in a situation where a reporting entity has received goods or services for which it has not made payment in the amount billed; and the cost of which is in dispute. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that the Allen Committee and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

Because the investigation has provided no evidence to suggest that Marjorie Powell Allen was personally involved in the transactions of the Committee, the Office of General Counsel recommends that the Commission find no reason to believe that Marjorie Powell Allen violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

**RECOMMENDATION**

1. Find no reason to believe that Marjorie Powell Allen violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.
2. Find reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

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3. Approve the attached letters.

Charles N. Steele  
General Counsel

May 8, 1986  
Date

BY:

Kenneth A. Gross  
Associate General Counsel

**Attachments**

1. Complaint, Response to complainant
2. Proposed letters

87040634706

LAW OFFICES OF  
DAVIS AND GOOCH  
920 PENNSYLVANIA AVENUE, S.E.  
WASHINGTON, D.C. 20003  
(202) 543-3600

MUR 2146

RECEIVED  
OFFICE OF THE REC  
COMMISSION SECRETARY

SENSITIVE

DANIEL J. SWILLINOSER  
OF COUNSEL

RAYMOND L. GOOCH  
WILLIAM E. DAVIS

\* ALSO UNDER VERIFICATION  
\* ALSO UNDER DISBURSEMENT & FINANCIAL ACCOUNTING

00 FEB 25 12:06

February 19, 1986

The Honorable Joan D. Aikens  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairman,

I am filing this complaint, on behalf of Campaign Planning, Inc., against Marjorie Powell Allen, the Allen for Congress Committee, and its treasurer, Charles W. (Tod) Haren, Jr. Statements herein are made upon information and belief.

Background

Mrs. Allen was an unsuccessful candidate for the U.S. House of Representatives in the Republican primary in the 3rd District of Kansas in 1984, finishing fourth in a field of five. The Allen for Congress Committee was designated as her principal campaign committee; Charles W. Haren, Jr. was designated as the committee's treasurer. (All of the disclosure reports filed with the Commission are signed "Tod" Haren; I have reason to believe that Charles W. Haren, Jr. and Tod Haren are the same person.)

On or about April 1, 1984, Mrs. Allen entered into a contract with Campaign Planning, Inc., a District of Columbia corporation, in which Campaign Planning agreed to provide planning, political consulting, and advertising production services to Mrs. Allen and her campaign.

From April into August, 1984, the Allen Committee paid Campaign Planning approximately \$62,000 in fees and reimbursement for expenses.

However, since late July, 1984, Mrs. Allen has failed to pay four separate invoices, totaling \$13,862.54, for radio and television advertising production costs, and for related travel and other incidental expenses. (Copies of invoices attached.) These invoices have been repeatedly sent to Mrs. Allen, most recently in February, 1986. (Copy attached.)

Mrs. Allen has never denied that the invoices were accurate, or that the expenses were not authorized. Indeed, all of the television, and most of the radio, commercials were aired during the campaign. All were prepared at her express direction. She appeared in some of the TV ads.

I(1)

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DAVIS AND GOOCH

Chairman Aikens  
Page Two

None of the invoices have been paid. They are in dispute, because Mrs. Allen believes that she did not receive full value for the consulting services which were provided to her, and believes that therefore she may offset this against the outstanding invoices.

She has offered to settle the \$13,862 for \$2200, in a letter from her lawyer dated July 30, 1985. (Copy attached.) This offer was rejected by me for Campaign Planning in October, 1985 in a telephone conversation with Mrs. Allen's lawyer.

Campaign Planning has filed suit in the Superior Court of the District of Columbia to recover the \$13,862, plus another \$4000 in consulting fees due under the contract.

The Violation

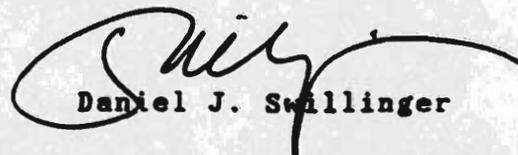
The Committee has failed to report this debt owed by the Committee to Campaign Planning, as required by 2 U.S.C Sec. 434 and 11 CFR Sec. 104.11. The debt has not been disclosed on the committee's October, 1984 quarterly report, its 1984 year-end report, its 1985 mid-year report or its 1985 year-end report. Campaign Planning believes this to be a knowing and willful violation of the Act, and that criminal penalties should be considered by the Commission.

The Commission should note that all other corporate and non-corporate vendors have been paid in full, making it possibly unlawful for Campaign Planning, as a corporation, to accept a settlement offer of half the amount actually owed.

Finally, Campaign Planning believes that this is a situation for which the candidate bears special responsibility. Of the approximately \$450,000 spent by the Allen committee, Mrs. Allen provided \$350,000 of it. The committee is indistinguishable financially from her. Her lawyer has conducted the negotiations; Mrs. Allen, not the committee's treasurer, disputes the value of the services rendered. If the settlement offer had been accepted, she would have written the check. We suggest to the Commission that Mrs. Allen's actions related to these repeated violations of the Act bear close scrutiny.

Please contact me if I can provide additional information.

Sincerely,

  
Daniel J. Stillinger

Attachments - as stated

I(2)

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DAVIS AND GOOCH

Chairman Aikens  
Page Three

WASHINGTON, DISTRICT OF COLUMBIA:

Subscribed and sworn before me this 20<sup>th</sup> day of February,  
1986.

*Patricia Linsbeck*  
Patricia Linsbeck, Notary Public

My Commission Expires January 8, 1987

87040534709

**CAMPAIGN PLANNING INC.**

5300 Ridgefield Road  
Bethesda, Maryland 20816  
(301) 657-1727

**WILLIAM P. ROESING**  
President

**STATEMENT**

To: **Marjorie Powell Allen**  
**ALLEN FOR CONGRESS**  
30 Le Mans Court  
Prarie Village, Kansas 66206

Date: February 1, 1986

<u>CPI#</u>	<u>Item</u>	<u>Amount</u>
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.68
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	Interest 9/26	247.86
	Interest 10/26	251.58
	Interest 11/26	255.35
	Interest 12/26	259.18
	Interest 1/26	263.07
	<b>TOTAL DUE</b>	<u><b>\$17,801.10</b></u>

87040534710

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: MARJORIE POWELL ALLEN  
30 Le-Mans Court  
Prarie Village, KS 66208

DATE: September 27, 1984

CPI #: 399

Item	Amount
<u>EXPENSES - August</u>	
<u>Travel</u>	
7/28 Breakfast	8.55
Parking at Airport	12.00
<u>Delivery</u>	45.50
<u>Telephone</u>	39.84
<b>TOTAL DUE UPON RECEIPT</b>	<b><u>\$105.89</u></b>

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I(6)

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

TO: ALLEN FOR CONGRESS

DATE: August 1, 1984

CPI #: 371

Item	Amount
<u>EXPENSES</u> July	
Delivery	22.75
RT Airfare 7/16	509.00
Hotel 7/28	64.68
RT Airfare 7/28	477.00
Final invoice for TV & Radio Production (See attached.)	<u>1,087.77</u>
TOTAL DUE UPON RECEIPT	<u><u>\$2,161.20</u></u>

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E(8)

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984

CPI #: 361

Item	Amount
<u>EXPENSES</u> - July Radio & TV	
Preliminary bill for radio and television production (see attached)	\$9,353.05
Please pay this amount, you will be invoiced separately for the remainder.	
TOTAL DUE UPON RECEIPT	<u>\$9,353.05</u>

87040334713

I(10)

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., NW, Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PC #:

87040534714

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-111	HP Allen TV & Radio Spot	CAMPPLA	04816

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	narration record-Kansas City	85.24	85.24
1.00	radio prod DC & audio repair	495.56	495.56
1.00	TV 1 spot	328.19	328.19
.25	audio strip & layback	350.00	87.50
1.00	radio talent, tag	159.30	159.30
1.00	Fed Exp to Kansas City	15.63	15.63
5.00	min. 1/2" audio stock	3.00	15.00

Bills to Follow:  
narrator 1 tag radio  
TV-dubs  
radio dubs  
shipping

I(12)

SUBTOTAL	TAX		TOTAL
1186.42	70209	.00	1186.42

Texas: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days.

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**

INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

KANSAS CITY, MISSOURI 64108

TELEPHONE 474-7400

CABLE "SMITHLAW"

July 30, 1985

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. SANDSON  
KENNETH T. WALLACE  
DAVID R. SCHLES  
G. JOHN REASEY, III  
RICHARD A. KING  
THASDEUS H. KRANAR  
SHARON A. COONEY

IRVIN V. SELZER  
JOSEPH L. NIERSTEINER  
OWEN R. BALL, JR.  
ANNE H. BLESSING  
LARRY D. IRICK  
D. BRADFORD JOHNSON  
SHEILA JANICHE  
W. WOODY SCHLOSSER  
JULIE C. FRICHELTON  
MARC L. KUEHMERLEIN  
STEVEN L. REY  
FRANK W. LIPSMAN  
BRAN B. O'HEARNE  
CHARLES A. ETHERINGTON

Mr. William P. Roesing  
Campaign Planning, Inc.  
5300 Ridgefield Road  
Bethesda, Maryland 20816

Re: Marjorie Allen's Campaign Committee  
Disputed Final Statement

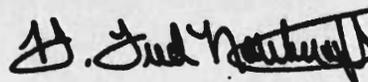
Dear Mr. Roesing:

You will recall that some time ago we discussed the possible compromise of the captioned matter. In an effort to settle your claim the Committee is willing to pay \$9,200. If this is satisfactory, please let me know and I will see that a check is forwarded to you by return mail.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:ms

87040534715

II(14)

2146 Jan

Rec. Aikens  
3-17-86  
CC# 9966

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**

INCORPORATED  
FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHGRAFT  
JAMES E. KELLEY, JR.  
DAVID S. MOUSER  
BRUCE C. DAVISON  
KENNETH T. WALLACE  
DAVID R. SCHLES  
G. JOHN REASEY, III  
RICHARD A. KING  
THASBEUS N. KRAMAR  
SHARON A. COONEY  
IRVIN V. BELZER

JOSEPH L. HIRSHSTEINER  
OWEN K. BALLY, JR.  
ANNE H. BLESING  
LARRY D. IRICE  
G. BRADFORD JOHNSON  
SHEILA JANICH  
W. WOODY SCHLESINGER  
GREGORY D. KINGAID  
JULIE C. FRICHELTON  
MARC L. KUENHARDT  
STEVEN L. RIST  
FRANK W. UPSHAW  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERRIS  
CHARLES W. GORDON, JR.

RECEIVED  
GENERAL INVESTIGATIVE  
DIVISION

March 10, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

MAR 12 P 2:30

Dear Madam Chairperson:

We are in receipt of a copy of the February 19, 1986 letter to you from Daniel Swillinger regarding a dispute between Marjorie Powell Allen's Campaign Committee ("Committee") and Campaign Planning, Inc. As counsel for the Committee, we wish to respond to Mr. Swillinger's allegations which contain false and misleading statements in an attempt to misuse a federal agency by creating pressure on the Committee to pay sums it does not believe are due.

Contrary to Mr. Swillinger's letter which is based only on information and belief:

1. Mrs. Allen did not on or about April 1, 1984 (or at any other time, or did anyone else on behalf of the Committee) enter into a contract with Campaign Planning, Inc. which could be the basis for "the violation" alleged. There is no written contract signed by the parties to this dispute.
2. The invoices in question were not paid because the Committee believes no further sums are due and advised both Mr. Roesing and his counsel that the amounts sought were disputed.
3. Mrs. Allen did not make any settlement offer. The Committee, through its counsel, made the settlement offer, not because it thought any sums were due but because the Committee wanted to dispose of the matter. The wording of my July 30 letter furnished to the FEC by Swillinger states "The Committee is willing to pay \$9,200."

87040534716

4. There is no "the contract" as referred to by Mr. Swillinger for the reason that no written contract in the legal sense exists. Furthermore, the copy of the draft memorandum attached to the complaint filed in the District of Columbia was just that - a "draft" which was never agreed upon or consummated by the proposed parties.

Mr. Swillinger states that the Committee failed to include in its reports to the Federal Election Commission a debt owed Campaign Planning, Inc. In the Complaint filed in the Superior Court of the District of Columbia by Roesing and Campaign Planning, Inc., plaintiffs attempt to state a cause of action for breach of contract placing their total reliance on a non-existent contract. The complaint states that after the terms of "the contract" were negotiated, Mr. Roesing reduced "the contract" to writing and mailed it to Mrs. Allen for her signature. In fact, what was sent was only a proposed "draft" which was never agreed on or consummated. (See copy of Roesing's letter of April 2, 1984.) The Complaint contains no allegation that the alleged contract was ever signed by Mrs. Allen or by the Committee. Indeed, the copy of the contract attached to the complaint bears no signatures. We have confirmed in a March 5 telephone conversation with Mr. Swillinger that he does not have any contract executed by Marjorie Powell Allen or the Committee. In fact, no written contract exists contrary to the tenure of his February 19 letter and the Complaint filed in the District.

The reporting provisions of the Federal Election Campaign Act of 1971 as amended (the "Act"), 2 U.S.C. §434(8), require that reports filed with the Commission include "the amount and nature of outstanding debts and obligations owed" by the Committee. Administrative Opinion 1976-85 (¶5223), defines outstanding debts to include expenditures. In 1976 when A.O. 1976-85 was issued, expenditure was defined as an express or implied contract or agreement to make expenditure, whether or not legally enforceable. However, with the 1976 amendments to the Act, expenditure is now redefined as "a written contract, promise, or agreement to make an expenditure." 2 U.S.C. §431(9)(A)(1985). The substantive change, since 1976, was to require a written, legally enforceable contract, promise or agreement. No such written contract, promise or agreement exists here, and therefore we believe there is and was no obligation to report the disputed amount.

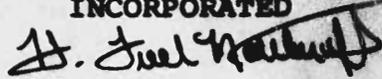
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March 10, 1986  
Page Three

Without a written contract, the disputed amount which is the basis for the D.C. Complaint and the alleged "violation" is not an expenditure within the definition under the Act and therefore does not fall within the reporting requirements of the Act. Therefore, we submit the Committee has not failed to report a debt as required by the Act and is not in violation.

Very truly yours,

SMITH, GILL, FISHER & BUTTS  
INCORPORATED



H. Fred Northcraft

HFN:jif

87040534718

II(17)

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

April 2, 1984

William F. Hoeking  
President

Mrs. Marjorie P. Allen  
Allen for Congress  
8100 Marty  
Overland Park, KS 66204

Dear Marjorie,

Enclosed please find two copies of a draft memorandum of agreement outlining the terms of our proposed relationship.

Please feel free to amend, adjust or comment. I look forward to hearing from you and getting together soon.

Warm regards,

*Bill*

Enclosure

II (18)

87040634719



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Marjorie Powell Allen  
30 LeMans Court  
Prarie Village, Kansas 66206

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Ms. Allen:

On March 13, 1986, the Commission notified you, the Allen for Congress Committee ("Committee") and Charles W. Haren, Jr., as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on \_\_\_\_\_, 1986, determined that on the basis of the information in the complaint, and information provided by counsel for your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed by you. Accordingly, the Commission closed its file in this matter as it pertains to you. 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

87040534720



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, & Butts, Inc.  
Fourteenth Floor Commerce Trust Bldg.  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

The Federal Election Commission notified your clients on March 13, 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 your clients at that time. We acknowledge receipt of your explanation of this matter which was dated March 10, 1986.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on , 1986, determined that there is reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11, provisions of the Act. The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within fifteen days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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 your clients wish the matter to be

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III(20)

made public. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Enclosures  
Procedures

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RECEIVED BY THE FEC  
86 APR 7 12:58  
RCC#176

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. DAVISON  
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SHEILA JANICKE  
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MARC L. KUENNERLEIN  
STEVEN L. RIST  
FRANK W. LIPSMAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GIBSON  
CHARLES W. GIBSON, JR.

April 3, 1986

Ms. Shelley Garr  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146

Dear Ms. Garr:

Pursuant to our recent telephone conversation relating to the captioned matter, enclosed is the Statement of Designation of Counsel executed by Marjorie Powell Allen on behalf of The Allen For Congress Committee. Also enclosed is a copy of the answer and counterclaim we filed in the Washington, D.C. action alluded to in Daniel Swillinger's February 19 letter to Ms. Aikens.

If you require anything further, please let me know.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By *H. Fred Northcraft*  
H. Fred Northcraft

HPN:jlf

Enclosure

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APR 7 1986  
FEB 3: 533  
GENERAL COUNSEL

**STATEMENT OF DESIGNATION OF COUNSEL**

**NR** 2146

**NAME OF COUNSEL:** H. Fred Northcraft

**ADDRESS:** Smith, Gill, Fisher & Butts Inc.  
1400 Commerce Trust Building  
Kansas City, Missouri 64106

**TELEPHONE:** (816) 474-7400

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.

Allen For Congress Committee

4/3/86  
**Date**

By *Maureen P. Men*  
**Signature**

**RESPONDENT'S NAME:** Allen For Congress Committee

**ADDRESS:** 30 Le Mans Court  
Shawnee Mission, Kansas 66208

**HOME PHONE:** (913) 642-1375

**BUSINESS PHONE:** (913) 345-3000

87040534724

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Civil Division

CAMPAIGN PLANNING, INC., et al., )  
Plaintiffs, )

v. )

Civil Action No. CA 1338-86

MARJORIE POWELL ALLEN, et al., )  
Defendants. )

MARJORIE POWELL ALLEN, et al. )  
Counterclaim-Plaintiffs, )

v. )

CAMPAIGN PLANNING, INC., et al. )  
Counterclaim-Defendants. )

ANSWER

COME NOW defendants Marjorie Powell Allen, The Marjorie Powell Allen for Congress Committee ("Committee"), Charles W. Haren, Jr., and Irene French, and for their answer to the Complaint state and allege as follows:

**First Defense**

Answering specifically the numbered paragraphs of the Complaint, Defendants state and allege as follows:

1. Defendants deny the allegations contained in Paragraph 1.
2. Defendants are not required to admit or deny allegations of jurisdiction.
3. Defendants have insufficient information or knowledge to admit or deny the allegations of Paragraph 3.
4. Defendants have insufficient information or knowledge to admit or deny the allegations of Paragraph 4, and affirmatively aver that no written contract ever existed between the parties.
5. Defendants admit that Marjorie Powell Allen was a losing candidate for the Republican nomination to the U.S. Congress from the 3rd District of Kansas in the August 1984 Primary election. Defendants deny all remaining allegations of Paragraph 5 of the Complaint, and specifically deny that Marjorie Powell Allen entered into a contract with Campaign Planning, Inc.

6. Defendants admit the allegations of Paragraph 6.

7. The allegation of Paragraph 7 that the Treasurer of the Committee is the sole officer required under the Federal Election Campaign Act constitutes a conclusion of law to which no response is required; however, the remaining allegations of Paragraph 7 are admitted.

8. For their answer to Paragraph 8, Defendants reallege and incorporate herein by reference their answers to Paragraphs 1 through 7, inclusive, of the Complaint.

9. Defendants admit that Defendant Marjorie Powell Allen and Plaintiff William P. Roesing met in the District of Columbia to discuss the campaign and the possibility that Campaign Planning, Inc., might perform services for The Marjorie Powell Allen for Congress Committee. Defendants deny all remaining allegations of Paragraph 9. Defendants affirmatively aver that a draft memorandum of the proposed relationship, which was never agreed to or executed by any Defendant, was sent to Mrs. Allen by Plaintiff Roesing.

10. Defendants deny the allegations contained in Paragraph 10. Answering further, Defendants aver that no written contract was ever executed by Defendants.

11. Defendants deny the allegations contained in Paragraph 11.

12. Defendants admit that the Committee paid Campaign Planning, Inc. and/or William P. Roesing a total of \$61,233.57. However, Defendants deny that the services indicated on the invoices were properly billed, adequately or fully performed or that they were charged at a reasonable rate.

13. Defendants deny each and every allegation contained in Paragraph 13. Further answering, Defendants deny that a binding, written contract ever existed. Defendants further allege that Plaintiffs have failed to fully perform the services for which they were paid.

14. Defendants deny each and every allegation of the Complaint heretofore not admitted, denied or otherwise qualified.

#### Second Defense

15. This Court lacks personal jurisdiction over Defendants.

#### Third Defense

16. Plaintiffs are estopped to assert the claim set forth in the Complaint.

**Fourth Defense**

17. The Complaint fails to state a claim upon which relief can be granted.

**Fifth Defense**

18. The claims asserted in the Complaint are barred because no contract existed between Plaintiffs and Defendants. Assuming, arguendo, that a contract did exist between Plaintiffs and Defendants, Plaintiffs breached said contract and are, therefore, barred from recovering any further compensation from Defendants under said contract.

**Sixth Defense**

19. The claims asserted in the Complaint are barred because Defendants have fully paid Plaintiffs for any services rendered.

**COUNTERCLAIM**

Counterclaim Plaintiffs, Marjorie Powell Allen and Marjorie Powell Allen for Congress Committee, by and through and counsel, state for their counterclaim as follows:

1. Counterclaim Plaintiff, Marjorie Powell Allen For Congress Committee ("Committee"), is an unincorporated association. Counterclaim Plaintiff Marjorie Powell Allen was an unsuccessful candidate for the Republican nomination to the U.S. Congress from the 3rd District of Kansas in the August 1984 primary election.

2. Counterclaim Defendant Campaign Planning, Inc., is a corporation organized under the laws of the District of Columbia, and on information and belief, during all times relevant to this action had its sole office within the District of Columbia, at 1201 F Street, N.W., Suite 305. Counterclaim Defendant is principally engaged in the business of providing political consulting and advertising services to candidates for public office, to political party organizations, and to other political entities.

3. On information belief, Counterclaim Defendant William P. Roesing is the President and principal employee of Campaign Planning, Inc.

4. This Court has jurisdiction pursuant to Section 11-921 and 13-423 of the District of Columbia Code.

5. Counterclaim Defendants performed, from time to time in 1984, certain services for the Committee.

6. The Committee paid \$81,233.57 to Counterclaim Defendants, relying, in good faith, on the representations contained in the invoices submitted by Counterclaim Defendants.

7. Counterclaim Defendants did not fully or adequately perform the services for which they were paid and the services were not billed at a reasonable rate.

WHEREFORE, Counterclaim Plaintiffs request an accounting by Counterclaim Defendants of all services rendered to Counterclaim Plaintiffs, specifically stating the basis for each charge. For services which Counterclaim Defendants have not fully or adequately performed, and for those services which were not charged at a reasonable rate, but for which Counterclaim Plaintiffs have paid Counterclaim Defendants, Counterclaim Plaintiffs further request that Counterclaim Defendants be ordered to pay Counterclaim Plaintiffs the amounts paid for services which were not fully or adequately performed, and the amounts paid which are attributable to charges over and above a reasonable rate for the services performed, and reasonable costs and attorneys' fees.

Respectfully submitted,  
DUNNELLS, DUVALL, BENNETT & PORTER

By: Robert S. Bennett  
Robert S. Bennett, Esq.  
D.C. Bar No. 112987

By: Stephen A. Bogorad  
Stephen A. Bogorad, Esq.  
D.C. Bar No. 375565

Suite 400  
1220 Nineteenth Street, N.W.  
Washington, D.C. 20036  
(202) 861-1400

Attorneys for Defendants

OF COUNSEL:  
H. Fred Northcraft, Esq.  
Smith, Gill, Fisher & Butts, Inc.  
1400 Commerce Trust Building  
Kansas City, Missouri 64106

DUNNELLS, DUVALL,  
BENNETT & PORTER  
ATTORNEYS AT LAW  
1220 NINETEENTH STREET N.W.  
WASHINGTON, D.C. 20036

**JURY DEMAND**

Defendants and Counterclaim Plaintiffs demand a trial by jury on all issues.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of March, 1986, a copy of the foregoing Answer and Counterclaim was mailed, first-class postage prepaid, to Daniel J. Swillinger, Esq., 920 Pennsylvania Avenue, S.E., Washington, D.C. 20003.

Stephen A. Bogorad  
Stephen A. Bogorad, Esq.

SECRETARY

Rec Aikens  
3-24-86

CCC#61  
M 2/146

08 MAR 24 P 1: 24

08 MAR 24 P 3: 42

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

March 14, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: Marjorie Powell Allen For Congress Committee  
FEC I.D. No. C00181453  
110469

Dear Madam Chairperson:

Enclosed is a copy of our March 10, 1986 letter directed to you which did not contain an FEC identification number. Our files disclose two FEC identification numbers used in connection with the Marjorie Powell Allen For Congress Committee, and they are listed above so that the letter can be properly indexed in your files.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By

H. Fred Northcraft

HFN:jlf

Enclosure

87040534731

M2146

March 10, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairperson:

We are in receipt of a copy of the February 19, 1986 letter to you from Daniel Swillinger regarding a dispute between Marjorie Powell Allen's Campaign Committee ("Committee") and Campaign Planning, Inc. As counsel for the Committee, we wish to respond to Mr. Swillinger's allegations which contain false and misleading statements in an attempt to misuse a federal agency by creating pressure on the Committee to pay sums it does not believe are due.

Contrary to Mr. Swillinger's letter which is based only on information and belief:

1. Mrs. Allen did not on or about April 1, 1984 (or at any other time, or did anyone else on behalf of the Committee) enter into a contract with Campaign Planning, Inc. which could be the basis for "the violation" alleged. There is no written contract signed by the parties to this dispute.

2. The invoices in question were not paid because the Committee believes no further sums are due and advised both Mr. Roesing and his counsel that the amounts sought were disputed.

3. Mrs. Allen did not make any settlement offer. The Committee, through its counsel, made the settlement offer, not because it thought any sums were due but because the Committee wanted to dispose of the matter. The wording of my July 30 letter furnished to the FEC by Swillinger states "The Committee is willing to pay \$9,200."

87040534732

4. There is no "the contract" as referred to by Mr. Swillinger for the reason that no written contract in the legal sense exists. Furthermore, the copy of the draft memorandum attached to the complaint filed in the District of Columbia was just that - a "draft" which was never agreed upon or consummated by the proposed parties.

Mr. Swillinger states that the Committee failed to include in its reports to the Federal Election Commission a debt owed Campaign Planning, Inc. In the Complaint filed in the Superior Court of the District of Columbia by Roesing and Campaign Planning, Inc., plaintiffs attempt to state a cause of action for breach of contract placing their total reliance on a non-existent contract. The complaint states that after the terms of "the contract" were negotiated, Mr. Roesing reduced "the contract" to writing and mailed it to Mrs. Allen for her signature. In fact, what was sent was only a proposed "draft" which was never agreed on or consummated. (See copy of Roesing's letter of April 2, 1984.) The Complaint contains no allegation that the alleged contract was ever signed by Mrs. Allen or by the Committee. Indeed, the copy of the contract attached to the complaint bears no signatures. We have confirmed in a March 5 telephone conversation with Mr. Swillinger that he does not have any contract executed by Marjorie Powell Allen or the Committee. In fact, no written contract exists contrary to the tenure of his February 19 letter and the Complaint filed in the District.

The reporting provisions of the Federal Election Campaign Act of 1971 as amended (the "Act"), 2 U.S.C. §434(8), require that reports filed with the Commission include "the amount and nature of outstanding debts and obligations owed" by the Committee. Administrative Opinion 1976-85 (¶5223), defines outstanding debts to include expenditures. In 1976 when A.O. 1976-85 was issued, expenditure was defined as an express or implied contract or agreement to make expenditure, whether or not legally enforceable. However, with the 1976 amendments to the Act, expenditure is now redefined as "a written contract, promise, or agreement to make an expenditure." 2 U.S.C. §431(9)(A)(1985). The substantive change, since 1976, was to require a written, legally enforceable contract, promise or agreement. No such written contract, promise or agreement exists here, and therefore we believe there is and was no obligation to report the disputed amount.

87040534733

March 10, 1986  
Page Three

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Very truly yours,

SMITH, GILL, FISHER & BUTTS  
INCORPORATED

H. Fred Northcraft

HFN:jif

87040534734

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

April 2, 1984

William P. Hoening  
President

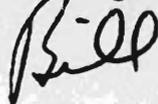
Mrs. Marjorie P. Allen  
Allen for Congress  
8100 Marty  
Overland Park, KS 66204

Dear Marjorie,

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Please feel free to amend, adjust or comment. I look forward to hearing from you and getting together soon.

Warm regards,



Enclosure

87040534735

2146

Rec 3-17  
CC# 9998

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED

RECEIVED  
OFFICE OF THE REC  
COMMISSION SECRETARY

FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

MAR 17

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
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FRANK W. LIPSMAN  
BRIAN B. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERNE  
CHARLES W. GORDON, JR.

March 14, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: Marjorie Powell Allen For Congress Committee  
FEC I.D. No. C00181453  
110469

MAR 17 5:59

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

8704034736

Dear Madam Chairperson:

Enclosed is a copy of our March 10, 1986 letter directed to you which did not contain an FEC identification number. Our files disclose two FEC identification numbers used in connection with the Marjorie Powell Allen For Congress Committee, and they are listed above so that the letter can be properly indexed in your files.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By *H. Fred Northcraft*  
H. Fred Northcraft

HFN:jlf

Enclosure

March 10, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

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87040534737

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87040534738

March 10, 1986  
Page Three

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Very truly yours,

SMITH, GILL, FISHER & BUTTS  
INCORPORATED

H. Fred Northcraft

HFN:jlf

870440534739

2196 Jan

Rec Liked  
3-17-86  
CCCH 9966

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**

INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

KANSAS CITY, MISSOURI 64108

(816) 474-7400

CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID B. MOUSER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
B. JOHN READEY, III  
RICHARD A. KING  
THADDEUS M. KRAMAR  
SHARON A. COONEY  
IRVIN V. SELZER

JOSEPH L. NIEMETZNER  
OWEN K. BALLY JR.  
ANNE H. BLESING  
LARRY D. IRICK  
D. BRADFORD JOHNSON  
SHEILA JANICHO  
W. WOODY SCHLESER  
GREGORY D. KINGMID  
JULIE C. FRICKLETON  
MARC L. KUENHARDT  
STEVEN L. RIST  
FRANK W. UPSHAW  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERNE  
CHARLES W. GORDON, JR.

March 10, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairperson:

We are in receipt of a copy of the February 19, 1986 letter to you from Daniel Swillinger regarding a dispute between Marjorie Powell Allen's Campaign Committee ("Committee") and Campaign Planning, Inc. As counsel for the Committee, we wish to respond to Mr. Swillinger's allegations which contain false and misleading statements in an attempt to misuse a federal agency by creating pressure on the Committee to pay sums it does not believe are due.

Contrary to Mr. Swillinger's letter which is based only on information and belief:

1. Mrs. Allen did not on or about April 1, 1984 (or at any other time, or did anyone else on behalf of the Committee) enter into a contract with Campaign Planning, Inc. which could be the basis for "the violation" alleged. There is no written contract signed by the parties to this dispute.

2. The invoices in question were not paid because the Committee believes no further sums are due and advised both Mr. Roesing and his counsel that the amounts sought were disputed.

3. Mrs. Allen did not make any settlement offer. The Committee, through its counsel, made the settlement offer, not because it thought any sums were due but because the Committee wanted to dispose of the matter. The wording of my July 30 letter furnished to the FEC by Swillinger states "The Committee is willing to pay \$9,200."

87040634740

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL  
FEDERAL ELECTION  
COMMISSION SECRETARY  
MAR 12 P 2:30

4. There is no "the contract" as referred to by Mr. Swillinger for the reason that no written contract in the legal sense exists. Furthermore, the copy of the draft memorandum attached to the complaint filed in the District of Columbia was just that - a "draft" which was never agreed upon or consummated by the proposed parties.

Mr. Swillinger states that the Committee failed to include in its reports to the Federal Election Commission a debt owed Campaign Planning, Inc. In the Complaint filed in the Superior Court of the District of Columbia by Roesing and Campaign Planning, Inc., plaintiffs attempt to state a cause of action for breach of contract placing their total reliance on a non-existent contract. The complaint states that after the terms of "the contract" were negotiated, Mr. Roesing reduced "the contract" to writing and mailed it to Mrs. Allen for her signature. In fact, what was sent was only a proposed "draft" which was never agreed on or consummated. (See copy of Roesing's letter of April 2, 1984.) The Complaint contains no allegation that the alleged contract was ever signed by Mrs. Allen or by the Committee. Indeed, the copy of the contract attached to the complaint bears no signatures. We have confirmed in a March 5 telephone conversation with Mr. Swillinger that he does not have any contract executed by Marjorie Powell Allen or the Committee. In fact, no written contract exists contrary to the tenure of his February 19 letter and the Complaint filed in the District.

The reporting provisions of the Federal Election Campaign Act of 1971 as amended (the "Act"), 2 U.S.C. §434(8), require that reports filed with the Commission include "the amount and nature of outstanding debts and obligations owed" by the Committee. Administrative Opinion 1976-85 (¶5223), defines outstanding debts to include expenditures. In 1976 when A.O. 1976-85 was issued, expenditure was defined as an express or implied contract or agreement to make expenditure, whether or not legally enforceable. However, with the 1976 amendments to the Act, expenditure is now redefined as "a written contract, promise, or agreement to make an expenditure." 2 U.S.C. §431(9)(A)(1985). The substantive change, since 1976, was to require a written, legally enforceable contract, promise or agreement. No such written contract, promise or agreement exists here, and therefore we believe there is and was no obligation to report the disputed amount.

87040634741

March 10, 1986  
Page Three

Without a written contract, the disputed amount which is the basis for the D.C. Complaint and the alleged "violation" is not an expenditure within the definition under the Act and therefore does not fall within the reporting requirements of the Act. Therefore, we submit the Committee has not failed to report a debt as required by the Act and is not in violation.

Very truly yours,

SMITH, GILL, FISHER & BUTTS  
INCORPORATED

*H. Fred Northcraft*

H. Fred Northcraft

HPN:jif

87040634742

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

April 2, 1984

William F. Hoising  
President

Mrs. Marjorie P. Allen  
Allen for Congress  
8100 Marty  
Overland Park, KS 66204

Dear Marjorie,

Enclosed please find two copies of a draft memorandum of agreement outlining the terms of our proposed relationship.

Please feel free to amend, adjust or comment. I look forward to hearing from you and getting together soon.

Warm regards,

*Bill*

Enclosure

87040534743



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

MEMORANDUM TO: THE COMMISSION  
FROM: MARJORIE W. EMMONS/ ARNITA D. HESSION *a.H.*  
DATE: FEBRUARY 25, 1986  
SUBJECT: MUR 2146 - Complaint

The attached has been circulated for your information.

87040534744

Attachment

LAW OFFICES OF  
**DAVIS AND GOOCH**  
920 PENNSYLVANIA AVENUE, S.E.  
WASHINGTON, D. C. 20003  
(202) 543-3600

MUR 2146  
RECEIVED  
OFFICE OF THE REG.  
COMMISSION SECRETARY  
**SENSITIVE**

RAYMOND L. GOOCH\*  
WILLIAM L. DAVIS\*

DANIEL J. SWILLINGER  
OF COUNSEL

\*ALSO MEMBER VIRGINIA BAR  
\*ALSO MEMBER MARYLAND & NORTH CAROLINA BAR

00 FEB 25 12:06

February 19, 1986

The Honorable Joan D. Aikens  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairman,

I am filing this complaint, on behalf of Campaign Planning, Inc., against Marjorie Powell Allen, the Allen for Congress Committee, and its treasurer, Charles W. (Tod) Haren, Jr. Statements herein are made upon information and belief.

Background

Mrs. Allen was an unsuccessful candidate for the U.S. House of Representatives in the Republican primary in the 3rd District of Kansas in 1984, finishing fourth in a field of five. The Allen for Congress Committee was designated as her principal campaign committee; Charles W. Haren, Jr. was designated as the committee's treasurer. (All of the disclosure reports filed with the Commission are signed "Tod" Haren; I have reason to believe that Charles W. Haren, Jr. and Tod Haren are the same person.)

On or about April 1, 1984, Mrs. Allen entered into a contract with Campaign Planning, Inc., a District of Columbia corporation, in which Campaign Planning agreed to provide planning, political consulting, and advertising production services to Mrs. Allen and her campaign.

From April into August, 1984, the Allen Committee paid Campaign Planning approximately \$62,000 in fees and reimbursement for expenses.

However, since late July, 1984, Mrs. Allen has failed to pay four separate invoices, totaling \$13,862.54, for radio and television advertising production costs, and for related travel and other incidental expenses. (Copies of invoices attached.) These invoices have been repeatedly sent to Mrs. Allen, most recently in February, 1986. (Copy attached.)

Mrs. Allen has never denied that the invoices were accurate, or that the expenses were not authorized. Indeed, all of the television, and most of the radio, commercials were aired during the campaign. All were prepared at her express direction. She appeared in some of the TV ads.

87040534745

Chairman Aikens  
Page Two

None of the invoices have been paid. They are in dispute, because Mrs. Allen believes that she did not receive full value for the consulting services which were provided to her, and believes that therefore she may offset this against the outstanding invoices.

She has offered to settle the \$13,862 for \$9200, in a letter from her lawyer dated July 30, 1985. (Copy attached.) This offer was rejected by me for Campaign Planning in October, 1985 in a telephone conversation with Mrs. Allen's lawyer.

Campaign Planning has filed suit in the Superior Court of the District of Columbia to recover the \$13,862, plus another \$4000 in consulting fees due under the contract.

The Violation

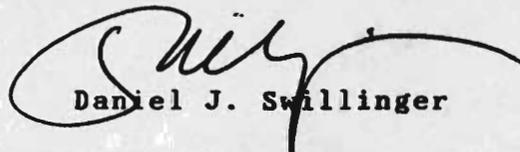
The Committee has failed to report this debt owed by the Committee to Campaign Planning, as required by 2 U.S.C Sec. 434 and 11 CFR Sec. 104.11. The debt has not been disclosed on the committee's October, 1984 quarterly report, its 1984 year-end report, its 1985 mid-year report or its 1985 year-end report. Campaign Planning believes this to be a knowing and willful violation of the Act, and that criminal penalties should be considered by the Commission.

The Commission should note that all other corporate and non-corporate vendors have been paid in full, making it possibly unlawful for Campaign Planning, as a corporation, to accept a settlement offer of half the amount actually owed.

Finally, Campaign Planning believes that this is a situation for which the candidate bears special responsibility. Of the approximately \$450,000 spent by the Allen committee, Mrs. Allen provided \$350,000 of it. The committee is indistinguishable financially from her. Her lawyer has conducted the negotiations; Mrs. Allen, not the committee's treasurer, disputes the value of the services rendered. If the settlement offer had been accepted, she would have written the check. We suggest to the Commission that Mrs. Allen's actions related to these repeated violations of the Act bear close scrutiny.

Please contact me if I can provide additional information.

Sincerely,

  
Daniel J. Swillinger

Attachments - as stated

87040534746

Chairman Aikens  
Page Three

WASHINGTON, DISTRICT OF COLUMBIA:

Subscribed and sworn before me this 20<sup>th</sup> day of February,  
1986.

*Patricia J. Linsbeck*  
Patricia Linsbeck, Notary Public

My Commission Expires January 8, 1987

87040534747

CAMPAIGN PLANNING INC.

5300 Ridgefield Road  
Bethesda, Maryland 20816  
(301) 657-1727

WILLIAM P. ROESING  
President

STATEMENT

To: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prarie Village, Kansas 66206

Date: February 1, 1986

CPI#	Item	Amount
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.68
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	Interest 9/26	247.86
	Interest 10/26	251.58
	Interest 11/26	255.35
	Interest 12/26	259.18
	Interest 1/26	263.07
	TOTAL DUE	<u>\$17,801.10</u>

87040334748

CAMPAIGN PLANNING INC.

5300 Ridgely Road  
Bethesda, Maryland 20816  
(301) 657-1727

WILLIAM P. ROESING  
President

STATEMENT

TO: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prairie Village, Kansas  
66208

DATE: September 1, 1985

CPI#	Item	Amount
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.09
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.60
	Interest 4/26	230.00
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	TOTAL DUE	<u>\$16,524.06</u>

87040534749

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: MARJORIE POWELL ALLEN  
30 Le-Mans Court  
Prarie Village, KS 66208

DATE: September 27, 1984  
CPI #: 399

<u>Item</u>	<u>Amount</u>
<u>EXPENSES - August</u>	
<u>Travel</u>	
7/28 Breakfast	8.55
Parking at Airport	12.00
<u>Delivery</u>	45.50
<u>Telephone</u>	39.84
<b>TOTAL DUE UPON RECEIPT</b>	<b><u>\$105.89</u></b>

87040534750

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: . ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: AUGUST 17, 1984

CPI #: 372

<u>Item</u>	<u>Amount</u>
Radio Spot Production (8/2)	577.94
Delivery of Radio Spot	57.25
<u>Travel</u>	
Roundtrip Airfare 8/7	260.00
Taxi to Airport	12.00
Taxi return trip	7.50
Hotel	47.87
<u>Telephone</u>	
July	259.96
<u>Delivery</u>	75.75
<b>TOTAL DUE UPON RECEIPT</b>	<b>\$1,298.27</b>

87040634751

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: ALLEN FOR CONGRESS

DATE: August 1, 1984

CPI #: 171

Item	Amount
<u>EXPENSES</u> July	
Delivery	22.75
RT Airfare 7/16	509.00
Hotel 7/28	64.68
RT Airfare 7/28	477.00
Final invoice for TV & Radio Production (See attached.)	<u>1,087.77</u>
TOTAL DUE UPON RECEIPT	<u><u>\$2,161.20</u></u>

87040534752

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Attn: Bill Roesing  
Washington, DC 20004

CUST JOB #1  
CUST PO #1

87040634753

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/30/84	E4-07-111	MP Allen TV & Radio Spot	CAMPFLA	04882

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	radio production & dubs	205.31	205.31
1.00	radio prod DC & audio repair	25.38	25.38
1.00	radio dubs #603	155.63	155.63
1.00	radio prod. & dubs #604	195.94	195.94
1.00	narration services	175.20	175.20
4.00	1" dubs	22.00	88.00
	.50 hrs. 1" editing	350.00	175.00
1.00	5 min. 3/4" cassette	17.00	17.00
1.00	Federal Express shipping	50.31	50.31

SUBTOTAL	TAX		TOTAL
1087.77	70209	.00	1087.77

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984

CPI #: 361

Item	Amount
<u>EXPENSES</u> - July Radio & TV	
Preliminary bill for radio and television production (see attached)	\$9,353.05
Please pay this amount, you will be invoiced separatly for the remainder.	
TOTAL DUE UPON RECEIPT	<u>\$9,353.05</u>

87040534754

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040634755

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-101	H. Allen Wave 2 TV & Radio	CAMPPLA	04B17

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
6.00	hrs. 1" studio 1 cam (3hr. min)	300.00	1800.00
1.00	hrs. 1" shooting stock	135.00	135.00
1.00	make-up services	187.50	187.50
5.00	hrs. 1" editing	350.00	1750.00
2.00	hrs. ADO both channels	450.00	900.00
2.00	hrs. ADO extended channel	300.00	600.00
3.50	hrs. on line camera	150.00	525.00
1.00	1" master stock (minimum)	25.00	25.00
1.00	protection master (minimum)	20.00	20.00
2.00	TV narrator (2 spots)	656.38	1312.76
1.00	beta cassettes	15.00	15.00
1.00	5 min. 3/4" cassette	17.00	17.00
4.00	1" dubs	26.00	104.00
2.00	narrator radio (2 spots)	160.03	320.06
1.00	radio production & dubs	380.31	380.31
2.00	shipping & deliveries	37.50	75.00

SUBTOTAL

TAX

TOTAL

8166.63

70209

.00

8166.63

Terms: Net 15. A Service Charge of 1.5% will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #1  
CUST PO #1

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-111	MP Allen TV & Radio Spot	CAMPPLA	04816

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	narration record-Kansas City	85.24	85.24
1.00	radio prod DC & audio repair	495.56	495.56
1.00	TV 1 spot	328.19	328.19
.25	audio strip & layback	350.00	87.50
1.00	radio talent, tag	159.30	159.30
1.00	Fed Exp to Kansas City	15.63	15.63
5.00	min. 1/2" audio stock	3.00	15.00

Bills to Follow:  
narrator 1 tag radio  
TV dubs  
radio dubs  
shipping

SUBTOTAL	TAX		TOTAL
1186.42	70209	.00	1186.42

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

87040534756

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984  
CPI #: 360

Item	Amount
<b>EXPENSES - July</b>	
<b>Travel</b>	<b>\$783.66</b>
Holiday Inn 6/11	46.05
Roundtrip Air 6/11	221.00
Regency Park 6/28	85.14
Roundtrip Air 6/28	384.00
Cabfare 6/28	10.00
Cabfare 6/29	10.00
Lunch 7/9	21.67
Parking at National Airport 7/16	6.00
<b>Telephone</b>	<b>160.27</b>
June telephone expense	
<b>TOTAL DUE UPONE RECEIPT</b>	<b>\$944.13</b>

87040534757

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
KANSAS CITY, MISSOURI 64108  
1818) 474-7400  
CABLE "SMITHLAW"

IRVIN V. BELZER  
JOSEPH L. HIERSTEINER  
OWEN K. BALL, JR.  
ANNE H. BLESSING  
LARRY D. IRICK  
D. BRADFORD JOHNSON  
SHEILA JANICHE  
W. WOODY SCHLOSSEK  
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H. FRED NORTHCRAFT  
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DAVID S. HOUSER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEZ  
S. JOHN READEY, III  
RICHARD A. KING  
THADDEUS M. KRAMAR  
SHARON A. COONEY

July 30, 1985

Mr. William P. Roesing  
Campaign Planning, Inc.  
5300 Ridgefield Road  
Bethesda, Maryland 20816

Re: Marjorie Allen's Campaign Committee  
Disputed Final Statement

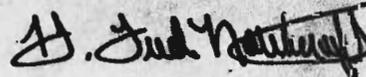
Dear Mr. Roesing:

You will recall that some time ago we discussed the possible compromise of the captioned matter. In an effort to settle your claim the Committee is willing to pay \$9,200. If this is satisfactory, please let me know and I will see that a check is forwarded to you by return mail.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:ms

87040534758



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FROM: [REDACTED]  
DATE: [REDACTED]  
SUBJECT: [REDACTED]

THE COMMISSION  
MARJORIE W. EMMONS/  
FEBRUARY 25, 1986  
MUR 2146 - Complaint  
ARNITA D. HESSION *A.H.*

The attached has been circulated for your  
information.

Attachment

in dispute,  
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Docket*

**SENSITIVE**

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LAW OFFICES OF  
**DAVIS AND GOOCH**  
930 PENNSYLVANIA AVENUE, S.E.  
WASHINGTON, D. C. 20003  
(202) 543-3600

MUR 2146

RECEIVED  
OFFICE OF THE REC.  
COMMISSION SECRETARY  
**SENSITIVE**

DANIEL J. SWILLINGER  
OF COUNSEL

RAYMOND L. GOOCH\*  
WILLIAM E. DAVIS\*

\* ALSO MEMBER FEDERAL BAR  
\* ALSO MEMBER DISTRICT OF COLUMBIA BAR

88 FEB 25 12:06

February 19, 1986

The Honorable Joan D. Aikens  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairman,

I am filing this complaint, on behalf of Campaign Planning, Inc., against Marjorie Powell Allen, the Allen for Congress Committee, and its treasurer, Charles W. (Tod) Haren, Jr. Statements herein are made upon information and belief.

Background

Mrs. Allen was an unsuccessful candidate for the U.S. House of Representatives in the Republican primary in the 3rd District of Kansas in 1984, finishing fourth in a field of five. The Allen for Congress Committee was designated as her principal campaign committee; Charles W. Haren, Jr. was designated as the committee's treasurer. (All of the disclosure reports filed with the Commission are signed "Tod" Haren; I have reason to believe that Charles W. Haren, Jr. and Tod Haren are the same person.)

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However, since late July, 1984, Mrs. Allen has failed to pay four separate invoices, totaling \$13,862.54, for radio and television advertising production costs, and for related travel and other incidental expenses. (Copies of invoices attached.) These invoices have been repeatedly sent to Mrs. Allen, most recently in February, 1986. (Copy attached.)

Mrs. Allen has never denied that the invoices were accurate, or that the expenses were not authorized. Indeed, all of the television, and most of the radio, commercials were aired during the campaign. All were prepared at her express direction. She appeared in some of the TV ads.

87040534760



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

*Obl  
Docket*

**SENSITIVE**

MEMORANDUM TO: THE COMMISSION

FROM: MARJORIE W. EMMONS/ ARNITA D. HESSION *A.H.*

DATE: FEBRUARY 25, 1986

SUBJECT: MUR 2146 - Complaint

The attached has been circulated for your information.

Attachment

8 7 0 8 7 0 4 0 5 3 4 7 6 1

1 1 0 1 1 0 0

DAVIS AND GOOCH

Chairman Aikens  
Page Three

WASHINGTON, DISTRICT OF COLUMBIA:

Subscribed and sworn before me this 20<sup>th</sup> day of February,  
1986.

  
Patricia Linsbeck, Notary Public

My Commission Expires January 8, 1987

87040534762

Chairman Aikens  
Page Two

None of the invoices have been paid. They are in dispute, because Mrs. Allen believes that she did not receive full value for the consulting services which were provided to her, and believes that therefore she may offset this against the outstanding invoices.

She has offered to settle the \$13,862 for \$9200, in a letter from her lawyer dated July 30, 1985. (Copy attached.) This offer was rejected by me for Campaign Planning in October, 1985 in a telephone conversation with Mrs. Allen's lawyer.

Campaign Planning has filed suit in the Superior Court of the District of Columbia to recover the \$13,862, plus another \$4000 in consulting fees due under the contract.

87040534763

The Violation

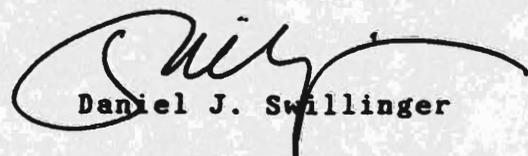
The Committee has failed to report this debt owed by the Committee to Campaign Planning, as required by 2 U.S.C Sec. 434 and 11 CFR Sec. 104.11. The debt has not been disclosed on the committee's October, 1984 quarterly report, its 1984 year-end report, its 1985 mid-year report or its 1985 year-end report. Campaign Planning believes this to be a knowing and willful violation of the Act, and that criminal penalties should be considered by the Commission.

The Commission should note that all other corporate and non-corporate vendors have been paid in full, making it possibly unlawful for Campaign Planning, as a corporation, to accept a settlement offer of half the amount actually owed.

Finally, Campaign Planning believes that this is a situation for which the candidate bears special responsibility. Of the approximately \$450,000 spent by the Allen committee, Mrs. Allen provided \$350,000 of it. The committee is indistinguishable financially from her. Her lawyer has conducted the negotiations; Mrs. Allen, not the committee's treasurer, disputes the value of the services rendered. If the settlement offer had been accepted, she would have written the check. We suggest to the Commission that Mrs. Allen's actions related to these repeated violations of the Act bear close scrutiny.

Please contact me if I can provide additional information.

Sincerely,



Daniel J. Swillinger

Attachments - as stated

CAMPAIGN PLANNING INC.  
5300 Ridgefield Road  
Bethesda, Maryland 20816  
(301) 657-1727

WILLIAM P. ROESING  
President

STATEMENT

To: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prarie Village, Kansas 66206

Date: February 1, 1986

<u>CPI#</u>	<u>Item</u>	<u>Amount</u>
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.68
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	Interest 9/26	247.86
	Interest 10/26	251.58
	Interest 11/26	255.35
	Interest 12/26	259.18
	Interest 1/26	263.07
	TOTAL DUE	<u>\$17,801.10</u>

87040334764

CAMPAIGN PLANNING INC.

5300 Ridgely Road  
Bethesda, Maryland 20816  
(301) 657-1727

WILLIAM P. ROESING  
President

STATEMENT

TO: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prairie Village, Kansas  
66208

DATE: September 1, 1985

CPII	Item	Amount
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.70
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.60
	Interest 4/26	230.00
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	TOTAL DUE	<u>\$16,524.06</u>

87040534765

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

TO: MARJORIE POWELL ALLEN  
30 Le-Mans Court  
Prarie Village, KS 66208

DATE: September 27, 1984  
CPI #: 399

Item	Amount
<u>EXPENSES - August</u>	
<u>Travel</u>	
7/28 Breakfast	8.55
Parking at Airport	12.00
<u>Delivery</u>	45.50
<u>Telephone</u>	39.84
TOTAL DUE UPON RECEIPT	<u>\$105.89</u>

87040534766

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: AUGUST 17, 1984

CPI #: 372

<u>Item</u>	<u>Amount</u>
Radio Spot Production (8/2)	577.94
Delivery of Radio Spot	57.25
<u>Travel</u>	
Roundtrip Airfare 8/7	260.00
Taxi to Airport	12.00
Taxi return trip	7.50
Hotel	47.87
<u>Telephone</u>	
July	259.96
<u>Delivery</u>	75.75
<b>TOTAL DUE UPON RECEIPT</b>	<b>\$1,298.27</b>

87040534767

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

..TO: . ALLEN FOR CONGRESS

DATE: August 1, 1984

CPI #: 371

Item	Amount
<u>EXPENSES</u> July	
Delivery	22.75
RT Airfare 7/16	509.00
Hotel 7/28	64.68
RT Airfare 7/28	477.00
Final invoice for TV & Radio Production (See attached.)	<u>1,087.77</u>
TOTAL DUE UPON RECEIPT	<u><u>\$2,161.20</u></u>

87040334768

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0600

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Attn: Bill Roeding  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID.	INVOICE NO.
07/30/84	E4-07-111	MP Allen TV & Radio Spot	CAMPPLA	04882

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	radio production & dubs	205.31	205.31
1.00	radio prod DC & audio repair	25.38	25.38
1.00	radio dubs #603	155.63	155.63
1.00	radio prod. & dubs #604	195.94	195.94
1.00	narration services	175.20	175.20
4.00	1" dubs	22.00	88.00
.50	hrs. 1" editing	350.00	175.00
1.00	5 min. 3/4" cassette	17.00	17.00
1.00	Federal Express shipping	50.31	50.31

SUBTOTAL	TAX	TOTAL
1087.77	70209 .00	1087.77

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the first day of the month following the due date.

87040634769

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984  
CPI #: 361

Item	Amount
<u>EXPENSES</u> - July Radio & TV	
Preliminary bill for radio and television production (see attached)	\$9,353.05
Please pay this amount, you will be invoiced separatly for the remainder.	
TOTAL DUE UPON RECEIPT	<u>\$9,353.05</u>

87040334770

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-101	H. Allen Wave 2 TV &Radio	CAMPPLA	04817

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
6.00	hrs. 1" studio 1 cam (3hr. min)	300.00	1800.00
1.00	hrs. 1" shooting stock	135.00	135.00
1.00	make-up services	187.50	187.50
5.00	hrs. 1" editing	350.00	1750.00
2.00	hrs. ADD both channels	450.00	900.00
2.00	hrs. ADD extended channel	300.00	600.00
3.50	hrs. on line camera	150.00	525.00
1.00	1" master stock (minimum)	25.00	25.00
1.00	protection master (minimum)	20.00	20.00
2.00	TV narrator (2 spots)	656.38	1312.76
1.00	beta cassettes	15.00	15.00
1.00	5 min. 3/4" cassette	17.00	17.00
4.00	1" dubs	26.00	104.00
2.00	narrator radio (2 spots)	160.03	320.06
1.00	radio production & dubs	380.31	380.31
2.00	shipping & deliveries	37.50	75.00

SUBTOTAL

TAX

TOTAL

8166.63

70209

.00

8166.63

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

87040534771

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-111	MP Allen TV & Radio Spot	CAMPPLA	04816

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	narration record-Kansas City	85.24	85.24
1.00	radio prod DC & audio repair	495.56	495.56
1.00	TV 1 spot	328.19	328.19
.25	audio strip & layback	350.00	87.50
1.00	radio talent, tag	159.30	159.30
1.00	Fed Exp to Kansas City	15.63	15.63
5.00	min. 1/2" audio stock	3.00	15.00

Bills to Follow:  
narrator 1 tag radio  
TV-dubs  
radio dubs  
shipping

SUBTOTAL	TAX		TOTAL
1186.42	70209	.00	1186.42

Terms: Net 15. A Service Charge of 1.5% will be added to all accounts with any outstanding balance over 30 days old on the date of billing.

8704034772

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)620-0938

I N V O I C E

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984

CPI #: 360

Item	Amount
<b>EXPENSES - July</b>	
Travel	\$783.86
Holiday Inn 6/11	46.05
Roundtrip Air 6/11	221.00
Regency Park 6/28	85.14
Roundtrip Air 6/28	384.00
Cabfare 6/28	10.00
Cabfare 6/29	10.00
Lunch 7/9	21.67
Parking at National Airport 7/16	6.00
Telephone	160.27
June telephone expense	
<b>TOTAL DUE UPONE RECEIPT</b>	<b>\$944.13</b>

87040534773

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

KANSAS CITY, MISSOURI 64108

(816) 474-7400

CABLE "SMITHLAW"

July 30, 1985

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. DAVIDSON  
RICHARD T. WALLACE  
DAVID R. SCHLEZ  
B. JOHN READEY, III  
RICHARD A. RINS  
THASBEUS H. KRANAR  
SHARON A. COONEY

IRVIN V. SELZER  
JOSEPH D. HIERSTEINER  
OWEN R. BALL, JR.  
ANNE M. BLESSING  
LARRY D. IRICH  
D. BRADFORD JOHNSON  
SHELLE JANICKE  
W. WOODY SCHLOSSER  
JULIE C. FRICKLETON  
MARC L. KUENNERLEIN  
STEVEN L. RIST  
FRANK W. LIPENAN  
ERIAN S. O'NEARNE  
CHARLES A. ETHERINGTON

Mr. William P. Roesing  
Campaign Planning, Inc.  
5300 Ridgefield Road  
Bethesda, Maryland 20816

Re: Marjorie Allen's Campaign Committee  
Disputed Final Statement

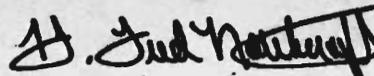
Dear Mr. Roesing:

You will recall that some time ago we discussed the possible compromise of the captioned matter. In an effort to settle your claim the Committee is willing to pay \$9,200. If this is satisfactory, please let me know and I will see that a check is forwarded to you by return mail.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:ms

87040534774

Rec. Adams office  
2-21-86

RECEIVED BY THE FEC  
86 FEB 21 11:18

HAND DELIVERED

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

LAW OFFICES OF  
DAVIS AND GOOCH  
920 PENNSYLVANIA AVENUE, N.E.  
WASHINGTON, D.C. 20003

(202) 543-3600

86 FEB 21 P5:10

DANIEL J. SWILLINOER  
OF COUNSEL

RAYMOND L. GOOCH\*  
WILLIAM E. DAVIS\*

\*ALSO MEMBER VIRGINIA BAR  
\*ALSO MEMBER BAR/BOARD OF NORTH CAROLINA BAR

February 19, 1986

The Honorable Joan D. Aikens  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairman,

I am filing this complaint, on behalf of Campaign Planning, Inc., against Marjorie Powell Allen, the Allen for Congress Committee, and its treasurer, Charles W. (Tod) Haren, Jr. Statements herein are made upon information and belief.

Background

Mrs. Allen was an unsuccessful candidate for the U.S. House of Representatives in the Republican primary in the 3rd District of Kansas in 1984, finishing fourth in a field of five. The Allen for Congress Committee was designated as her principal campaign committee; Charles W. Haren, Jr. was designated as the committee's treasurer. (All of the disclosure reports filed with the Commission are signed "Tod" Haren; I have reason to believe that Charles W. Haren, Jr. and Tod Haren are the same person.)

On or about April 1, 1984, Mrs. Allen entered into a contract with Campaign Planning, Inc., a District of Columbia corporation, in which Campaign Planning agreed to provide planning, political consulting, and advertising production services to Mrs. Allen and her campaign.

From April into August, 1984, the Allen Committee paid Campaign Planning approximately \$62,000 in fees and reimbursement for expenses.

However, since late July, 1984, Mrs. Allen has failed to pay four separate invoices, totaling \$13,862.54, for radio and television advertising production costs, and for related travel and other incidental expenses. (Copies of invoices attached.) These invoices have been repeatedly sent to Mrs. Allen, most recently in February, 1986. (Copy attached.)

Mrs. Allen has never denied that the invoices were accurate, or that the expenses were not authorized. Indeed, all of the television, and most of the radio, commercials were aired during the campaign. All were prepared at her express direction. She appeared in some of the TV ads.

RECEIVED  
GENERAL COUNSEL  
86 FEB 24 A9:5

87040534775

DAVIS AND GOOCH

Chairman Aikens  
Page Two

None of the invoices have been paid. They are in dispute, because Mrs. Allen believes that she did not receive full value for the consulting services which were provided to her, and believes that therefore she may offset this against the outstanding invoices.

She has offered to settle the \$13,862 for \$9200, in a letter from her lawyer dated July 30, 1985. (Copy attached.) This offer was rejected by me for Campaign Planning in October, 1985 in a telephone conversation with Mrs. Allen's lawyer.

Campaign Planning has filed suit in the Superior Court of the District of Columbia to recover the \$13,862, plus another \$4000 in consulting fees due under the contract.

The Violation

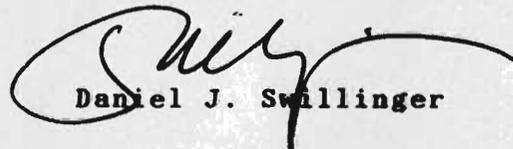
The Committee has failed to report this debt owed by the Committee to Campaign Planning, as required by 2 U.S.C Sec. 434 and 11 CFR Sec. 104.11. The debt has not been disclosed on the committee's October, 1984 quarterly report, its 1984 year-end report, its 1985 mid-year report or its 1985 year-end report. Campaign Planning believes this to be a knowing and willful violation of the Act, and that criminal penalties should be considered by the Commission.

The Commission should note that all other corporate and non-corporate vendors have been paid in full, making it possibly unlawful for Campaign Planning, as a corporation, to accept a settlement offer of half the amount actually owed.

Finally, Campaign Planning believes that this is a situation for which the candidate bears special responsibility. Of the approximately \$450,000 spent by the Allen committee, Mrs. Allen provided \$350,000 of it. The committee is indistinguishable financially from her. Her lawyer has conducted the negotiations; Mrs. Allen, not the committee's treasurer, disputes the value of the services rendered. If the settlement offer had been accepted, she would have written the check. We suggest to the Commission that Mrs. Allen's actions related to these repeated violations of the Act bear close scrutiny.

Please contact me if I can provide additional information.

Sincerely,



Daniel J. Swillinger

Attachments - as stated

87040534776

DAVIS AND GOOCH

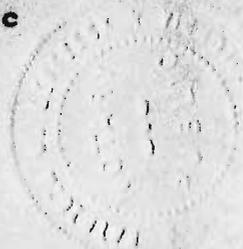
Chairman Aikens  
Page Three

WASHINGTON, DISTRICT OF COLUMBIA:

Subscribed and sworn before me this 20<sup>th</sup> day of February,  
1986.

*Patricia S. Linsbeck*  
Patricia Linsbeck, Notary Public

My Commission Expires January 1, 1987



87040534777

CAMPAIGN PLANNING INC.

5300 Ridgefield Road  
Bethesda, Maryland 20816  
(301) 657-1727

WILLIAM P. ROESING  
President

S T A T E M E N T

To: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prarie Village, Kansas 66206

Date: February 1, 1986

87040634778

CPI#	Item	Amount
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.68
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	Interest 9/26	247.86
	Interest 10/26	251.58
	Interest 11/26	255.35
	Interest 12/26	259.18
	Interest 1/26	263.07

TOTAL DUE

\$17,801.10

CAMPAIGN PLANNING INC.

5300 Ridgely Road  
Bethesda, Maryland 20816  
(301) 657-1727

WILLIAM P. ROESING  
President

STATEMENT

TO: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prairie Village, Kansas  
66208

DATE: September 1, 1985

CPII	Item	Amount
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372	Expenses 8/17	1,290.27
399	Expenses 9/27	105.09
	Interest 9/27	165.20
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.60
	Interest 4/26	230.00
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	TOTAL DUE	<u>\$16,524.06</u>

87040534779

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: MARJORIE POWELL ALLEN  
30 Le-Mans Court  
Prarie Village, KS 66208

DATE: September 27, 1984

CPI #: 399

Item	Amount
<u>EXPENSES - August</u>	
<u>Travel</u>	
7/28 Breakfast	8.55
Parking at Airport	12.00
<u>Delivery</u>	45.50
<u>Telephone</u>	39.84
<b>TOTAL DUE UPON RECEIPT</b>	<u><b>\$105.89</b></u>

87040534780

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: AUGUST 17, 1984  
CPI #: 372

<u>Item</u>	<u>Amount</u>
Radio Spot Production (8/2)	577.94
Delivery of Radio Spot	57.25
<u>Travel</u>	
Roundtrip Airfare 8/7	260.00
Taxi to Airport	12.00
Taxi return trip	7.50
Hotel	47.87
<u>Telephone</u>	
July	259.96
<u>Delivery</u>	
	75.75
TOTAL DUE UPON RECEIPT	<u>\$1,298.27</u>

87040534781

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: ALLEN FOR CONGRESS

DATE: August 1, 1984

CPI #: 371

Item	Amount
<u>EXPENSES</u> July	
Delivery	22.75
RT Airfare 7/16	509.00
Hotel 7/28	64.68
RT Airfare 7/28	477.00
Final invoice for TV & Radio Production (See attached.)	<u>1,087.77</u>
TOTAL DUE UPON RECEIPT	<u><u>\$2,161.20</u></u>

87040534782

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Attn: Bill Reasing  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040534793

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID.	INVOICE NO.
07/30/84	E4-07-111	MP Allen TV & Radio Spot	CAMPPLA	04882

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	radio production & dubs	205.31	205.31
1.00	radio prod DC & audio repair	25.38	25.38
1.00	radio dubs #603	155.63	155.63
1.00	radio prod. & dubs #604	195.94	195.94
1.00	narration services	175.20	175.20
4.00	1" dubs	22.00	88.00
.50	hrs. 1" editing	350.00	175.00
1.00	5 min. 3/4" cassette	17.00	17.00
1.00	Federal Express shipping	50.31	50.31

SUBTOTAL	TAX		TOTAL
1087.77	70209	.00	1087.77

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days and on the final day of each month.

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984  
CPI #: 361

Item	Amount
<u>EXPENSES</u> - July Radio & TV	
Preliminary bill for radio and television production (see attached)	\$9,353.05
Please pay this amount, you will be invoiced separately for the remainder.	
TOTAL DUE UPON RECEIPT	<u>\$9,353.05</u>

87040534784

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040634785

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-101	M. Allen Wave 2 TV & Radio	CAMPPLA	04817

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
6.00	hrs. 1" studio 1 cam (3hr. min)	300.00	1800.00
1.00	hrs. 1" shooting stock	135.00	135.00
1.00	make-up services	187.50	187.50
5.00	hrs. 1" editing	350.00	1750.00
2.00	hrs. ADD both channels	450.00	900.00
2.00	hrs. ADD extended channel	300.00	600.00
3.50	hrs. on line camera	150.00	525.00
1.00	1" master stock (minimum)	25.00	25.00
1.00	protection master (minimum)	20.00	20.00
2.00	TV narrator (2 spots)	656.38	1312.76
1.00	beta cassettes	15.00	15.00
1.00	5 min. 3/4" cassette	17.00	17.00
4.00	1" dubs	26.00	104.00
2.00	narrator radio (2 spots)	160.03	320.06
1.00	radio production & dubs	380.31	380.31
2.00	shipping & deliveries	37.50	75.00

SUBTOTAL

TAX

TOTAL

B166.63

70209

.00

B166.63

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040634786

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-111	MP Allen TV & Radio Spot	CAMPPLA	04816

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	narration record-Kansas City	85.24	85.24
1.00	radio prod DC & audio repair	495.56	495.56
1.00	TV 1 spot	328.19	328.19
.25	audio strip & layback	350.00	87.50
1.00	radio talent, tag	159.30	159.30
1.00	Fed Exp to Kansas City	15.63	15.63
5.00	min. 1/2" audio stock	3.00	15.00

Bills to Follow:  
narrator 1 tag radio  
TV dubs  
radio dubs  
shipping

SUBTOTAL	TAX	TOTAL
1186.42	70209 .00	1186.42

Texas: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984  
CPI #: 360

Item	Amount
<b>EXPENSES - July</b>	
<b>Travel</b>	<b>\$783.86</b>
Holiday Inn 6/11	46.05
Roundtrip Air 6/11	221.00
Regency Park 6/28	85.14
Roundtrip Air 6/28	384.00
Cabfare 6/28	10.00
Cabfare 6/29	10.00
Lunch 7/9	21.67
Parking at National Airport 7/16	6.00
<b>Telephone</b>	<b>160.27</b>
June telephone expense	
<b>TOTAL DUE UPONE RECEIPT</b>	<b>\$944.13</b>

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LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
KANSAS CITY, MISSOURI 64106

(816) 474-7400  
CABLE "SMITHLAW"

July 30, 1985

EDWARD A. SMITH  
THOMAS I. GILL  
S. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. DAVISON  
HENDRICK T. WALLACE  
DAVID H. SCHLEE  
S. JOHN DEASEY, III  
RICHARD A. KING  
THADDEUS M. KRAMAR  
SHARON A. COONEY

IRVIN V. BELZER  
JOSEPH L. HIERSTEINER  
OWEN K. BALL, JR.  
ANNE H. BLESSING  
LARRY D. IRICH  
D. BRADFORD JOHNSON  
SHEILA JANICKE  
W. WOODY SCHLOSSER  
JULIE C. FRICKLEYTON  
MARC L. KUEHMERLEIN  
STEVEN L. RISP  
FRANK W. LIPSHAN  
OLIAN D. O'HEARNE  
CHARLES A. ETHERINGTON

Mr. William P. Roesing  
Campaign Planning, Inc.  
5300 Ridgefield Road  
Bethesda, Maryland 20816

Re: Marjorie Allen's Campaign Committee  
Disputed Final Statement

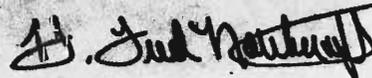
Dear Mr. Roesing:

You will recall that some time ago we discussed the possible compromise of the captioned matter. In an effort to settle your claim the Committee is willing to pay \$9,200. If this is satisfactory, please let me know and I will see that a check is forwarded to you by return mail.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:ms

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FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF FUR # 8146

Date Filmed 2/2/87 Camera No. --- 2

Cameraman AS

87040534789



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF ROL # 2146

Date Filmed 2/2/77 Camera No. --- 2

Cameraman AS

87040634790



*plm*



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 18, 1986

H. Fred Northcraft  
Smith, Gill, Fisher, and Rutts  
14th Floor Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

On December 11, 1986, the Commission accepted the conciliation agreement signed by you on behalf of your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as Treasurer in settlement of a violation of 2 U.S.C. § 434, a provision of the Federal Election Campaign Act of 1971, as amended and 11 C.F.R. § 104.11. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, and Rutts  
14th Floor Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

On December 11, 1986, the Commission accepted the conciliation agreement signed by you on behalf of your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as Treasurer in settlement of a violation of 2 U.S.C. § 434, a provision of the Federal Election Campaign Act of 1971, as amended and 11 C.F.R. § 104.11. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

scg 12/18/86

Thw  
12/18/86

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )  
)

**CONCILIATION AGREEMENT**

This matter was initiated by a signed, sworn, and notarized complaint by Daniel Swillinger on behalf of Campaign Planning Inc. The Commission found reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, ("Respondents") violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation, and an investigation was conducted.

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

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

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

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

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

1. Respondent Allen for Congress Committee ("Allen Committee") is a political committee registered with the Federal Election Commission.

R 7 0 4 0 6 3 4 7 9 4

2. Charles W. Haren, Jr., is treasurer of the Allen for Congress Committee.

3. On or about April 1, 1984, the Allen Committee entered into a contract with Campaign Planning Inc. ("CPI") in which CPI agreed to provide planning, political consulting and advertising production services for the candidate, Marjorie Powell Allen.

4. From April through August, 1984, the Allen Committee paid approxiamtely \$62,000 in fees and travel reimbursements to CPI.

5. The Allen Committee did not pay for invoices dated September 27, August 18, August 1, and July 26, 1984, which totalled \$13,862.54, which the Committee contends it believed were incorrect.

6. By letter dated July 30, 1985, counsel for the Allen Committee offered to settle the matter for \$9,200. This Office was rejected by counsel for CPI in October, 1985.

7. The Allen Committee did not report the disputed outstanding obligation on its 1984 October Quarterly Report and all subsequent reports.

8. On July 7, 1986, the Allen Committee filed an amended Year End Report which listed the \$13,862.54 disputed debt as an outstanding obligation to CPI.

V. Pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature

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of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

VI. Respondents did not report the \$13,862.54 disputed debt as an outstanding obligation in a timely manner, in violation of 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of <sup>One</sup>~~Two~~ <sup>Twenty</sup> Hundred <sup>120</sup> Dollars (~~\$200~~) *HAN* pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

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oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

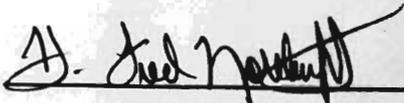
FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:   
Lawrence M. Noble  
Deputy General Counsel

12/18/86  
Date

FOR THE RESPONDENTS:



11/24/86  
Date

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 11, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 2146:

1. Accept the conciliation agreement in settlement of this matter, as recommended in the General Counsel's Report signed December 9, 1986.
2. Close the file.
3. Approve and send the letter, as recommended in the General Counsel's Report signed December 9, 1986.

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

Attest:

12-12-86

Date

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

Received in Office of Commission Secretary:	Tues.,	12-9-86,	11:36
Circulated on 48 hour tally basis:	Tues.,	12-9-86,	4:00
Deadline for vote:	Thurs.,	12-11-86,	4:00

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BEFORE THE FEDERAL ELECTION COMMISSION

CONFIDENTIAL

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

GENERAL COUNSEL'S REPORT

I. Background

On May 20, 1986, the Commission determined that there is reason to believe that the Allen for Congress Committee ("Allen Committee") and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation.

By letter dated August 7, 1986, the Commission notified counsel for the Allen Committee that it had approved the Committee's request for pre-probable cause conciliation and forwarded to him a proposed conciliation agreement.

Counsel contacted the Commission on September 9 and 25, 1986, and proposed a counter-conciliation agreement

On November 13, 1986, the Commission notified counsel that it had reviewed the Allen Committee's proposed agreement and made two changes:

86 DEC 9 3 38 PM '86  
COMMUNICATIONS SECTION

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In view of the facts that the Allen Committee: 1) is no longer active and has no other remaining debts; 2) filed an amended 1985 Year End Report dated June 20, 1985, itemizing the disputed debt, prior to its request for pre-probable cause conciliation; and 3) has tentatively agreed upon a settlement with the creditor regarding this disputed debt, this Office recommends that the Commission accept this agreement in settlement of this matter and close the file.

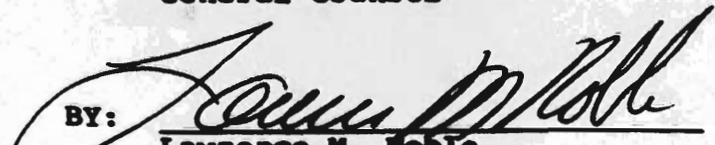
**II. RECOMMENDATION**

The Office of General Counsel recommends that the Commission:

- 1) Accept this agreement in settlement of this matter;
- 2) Close the file; and
- 3) Approve and send the attached letter.

Charles N. Steele  
General Counsel

12/9/86  
Date \_\_\_\_\_

BY:   
Lawrence M. Noble  
Deputy General Counsel

**Attachments**

- 1) Response and counter conciliation agreement
- 2) Proposed letter

37040634300

RECEIVED BY THE FEC

36 NOV 28 P 1: 56

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED  
FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
922 WALNUT STREET  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
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GREGORY D. KINCAID  
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MARC L. SHERMERLIN  
MICHELE A. BORNAS  
STEVEN L. HEST  
FRANK W. LIPOMAN  
BRIAN D. O'NEARNE  
CHARLES A. ETHEINGTON  
THOMAS A. GERNE  
CHARLES W. GORDON, JR.

November 24, 1986

Ms. Shelley Garr  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen For Congress Committee

Dear Ms. Garr:

This will confirm and supplement our November 24 tele-  
phone conversation relating to the captioned matter.

I enclose herewith the proposed Conciliation Agreement  
executed by myself on behalf of Respondent dated November 24, 1986.

If this is acceptable with the Commission, please let me  
know.

Thanks again for your assistance.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By *H. Fred Northcraft*  
H. Fred Northcraft

HFN:jlf

Enclosure

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5 OFFICE 1 AG: 10

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )  
)

**CONCILIATION AGREEMENT**

This matter was initiated by a signed, sworn, and notarized complaint by Daniel Swillinger on behalf of Campaign Planning Inc. The Commission found reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, ("Respondents") violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation, and an investigation was conducted.

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

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

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

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

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

1. Respondent Allen for Congress Committee ("Allen Committee") is a political committee registered with the Federal Election Commission.

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2. Charles W. Haren, Jr., is treasurer of the Allen for Congress Committee.

3. On or about April 1, 1984, the Allen Committee entered into a contract with Campaign Planning Inc. ("CPI") in which CPI agreed to provide planning, political consulting and advertising production services for the candidate, Marjorie Powell Allen.

4. From April through August, 1984, the Allen Committee paid approximately \$62,000 in fees and travel reimbursements to CPI.

5. The Allen Committee did not pay for invoices dated September 27, August 18, August 1, and July 26, 1984, which totalled \$13,862.54, which the Committee contends it believed were incorrect.

6. By letter dated July 30, 1985, counsel for the Allen Committee offered to settle the matter for \$9,200. This Office was rejected by counsel for CPI in October, 1985.

7. The Allen Committee did not report the disputed outstanding obligation on its 1984 October Quarterly Report and all subsequent reports.

8. On July 7, 1986, the Allen Committee filed an amended Year End Report which listed the \$13,862.54 disputed debt as an outstanding obligation to CPI.

V. Pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature

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I(3)

of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

VI. Respondents did not report the \$13,862.54 disputed debt as an outstanding obligation in a timely manner, in violation of 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of \_\_\_\_\_ pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

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I(4)

oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

**FOR THE COMMISSION:**

Charles N. Steele  
General Counsel

BY:

\_\_\_\_\_  
Lawrence M. Noble  
Deputy General Counsel

\_\_\_\_\_  
Date

**FOR THE RESPONDENTS:**

\_\_\_\_\_  
*A. Fred [Signature]*

\_\_\_\_\_  
11/24/86  
Date

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**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

**H. Fred Northcraft  
Smith, Gill, Fisher, and Butts  
14th Floor Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106**

**RE: Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer**

**Dear Mr. Northcraft:**

On , 1986, the Commission accepted the conciliation agreement signed by you on behalf of your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as Treasurer in settlement of a violation of 2 U.S.C. § 434, a provision of the Federal Election Campaign Act of 1971, as amended and 11 C.F.R. § 104.11. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

II(6)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 3, 1986, the Commission decided by a vote of 4-0 to take the following actions in MUR 2146:

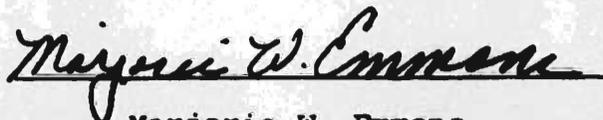
1. 
2. 
3. Approve and send the proposal and letter, as recommended in the General Counsel's Report signed October 29, 1986.

Commissioners Elliott, Josefiak, McDonald and Thomas voted affirmatively for this decision; Commissioners Aikens and McGarry did not vote.

Attest:

11-3-86

Date



Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:	Thurs.,	10-30-86,	9:26
Circulated on 48 hour tally basis:	Thurs.,	10-30-86,	4:00
Deadline for vote:	Mon.,	11-4-86,	4:00

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**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

**GENERAL COUNSEL'S REPORT**

**I. Background**

On May 20, 1986, the Commission determined that there was reason to believe that the Allen for Congress Committee ("Committee") and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a \$13,682 disputed debt with Campaign Planning, Inc. as an outstanding obligation on its 1984 October Quarterly Report and all subsequent reports.

On August 7, 1986, the Commission notified counsel for the Committee that it had approved the Committee's request for pre-probable cause conciliation and forwarded to it a proposed conciliation agreement.

Counsel's response and counter conciliation agreement were received by the Commission on September 9, 1986. The counter agreement contained the following changes:

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CONFIDENTIAL  
MAY 20 1986  
FEDERAL ELECTION COMMISSION

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This Office has had several telephone conversations with  
counsel and subsequent correspondence, most recently on

September 29, 1986 (Attachment II). Counsel argues that the \$13,862.54 disputed debt is the only debt which has not been paid in full by the candidate. Further, although it is now subject of a civil suit, settlement has been tentatively agreed upon and it will be settled for less than the amount sought.

The fact is, however, that the Committee failed to report a disputed debt.

The Office recommends that the Commission reject the proposed agreement for the reasons noted, and send counsel the attached letter giving them 10 days to accept the modified agreement.

**RECOMMENDATION**

The Office of General Counsel recommends that the Commission:

1. Reject the counter conciliation agreement submitted on behalf of the Allen for Congress Committee.
2. Approve the proposed counter-offer.

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3. Approve and send the attached proposal and letter.

Charles N. Steele  
General Counsel

10/29/86  
Date

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

Attachments

1. Response
2. Proposed letter

87040334811

CCC#1431

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**

INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

922 WALNUT STREET

KANSAS CITY, MISSOURI 64108

(816) 474-7400

CABLE "SMITHLAW"

EDWARD A. SMITH  
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G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHRAFT  
JAMES E. KELLEY, JR.  
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SHARON A. COONEY  
IRVIN V. SELZER  
JOSEPH L. HIERSTEINER

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W. WOODY SCHLOSSER  
GREGORY D. KINGMA  
JULIE C. FRICKLETON  
MARC L. KUENNERLEIN  
NICHELE A. BONNAS  
STEVEN L. RIST  
FRANK W. LIPSMAN  
BRIAN D. O'NEARNE  
CHARLES A. EYERINGTON  
THOMAS A. GERRIS  
CHARLES W. GORDON, JR.

September 4, 1986

SEP 9 10:46

Ms. Shelly Garr  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen for Congress Committee

Dear Ms. Garr:

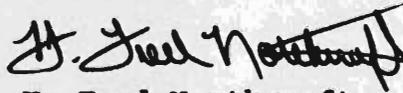
Pursuant to our recent telephone conversations, enclosed is the Conciliation Agreement with the Committee's changes marked in red. We sincerely hope that these changes will be acceptable since we believe they more accurately reflect the nature and character of the matter at hand.

If you have any questions, please let me know.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:jlf

Enclosure

87040634812

DC(1)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Daniel Swillinger on behalf of Campaign Planning Inc. The Commission found reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, ("Respondents") violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation, and an investigation was conducted.

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

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

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

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

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

1. Respondent Allen for Congress Committee ("Allen Committee") is a political committee registered with the Federal Election Commission.

87040534813

2. Charles W. Haren, Jr., is treasurer of the Allen for Congress Committee.

3. On or about April 1, 1984, the Allen Committee entered into a contract with Campaign Planning Inc. ("CPI") in which CPI agreed to provide planning, political consulting and advertising production services for the candidate, Marjorie Powell Allen.

4. From April through August, 1984, the Allen Committee paid approximately \$62,000 in fees and travel reimbursements to CPI.

6. By letter dated July 30, 1985, counsel for the Allen Committee offered to settle the matter for \$9,200. This Office was rejected by counsel for CPI in October, 1985.

7.

V. Pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

27040634814

VIII. 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.

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

87040634815

(1)



LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**

INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

922 WALNUT STREET

KANSAS CITY, MISSOURI 64108

(816) 474-7400

CABLE "SMITHLAW"

*ALL FILED*  
**HAND DELIVERED**

**06 SEP 29 09:51**

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
S. JOHN READEY, III  
RICHARD A. KING  
THADDEUS M. KRAMAR  
SHARON A. COONEY  
IRVIN V. SELZER  
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D. BRADFORD JOHNSON  
SHEILA M. JANICKE  
W. WOODY SCHLOSSER  
GREGORY D. KINCAID  
JULIE C. FRICKLETON  
MARC L. KUENNERLEIN  
MICHELE A. BONHAO  
STEVEN L. RIST  
FRANK W. LIPERAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERKE  
CHARLES W. GORDON, JR.

September 25, 1986

Ms. Shelly Garr  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen For Congress Committee

Dear Ms. Garr:

This will confirm and supplement our September 25 tele-  
phone conversation relating to the captioned matter and speci-  
fically the proposed Conciliation Agreement which I have retyped  
and enclose herewith formally incorporating the suggestions con-  
tained in my September 4 revision.

3704034817

06 SEP 29 10:38

97040534918

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By

*H. Fred Northcraft*  
H. Fred Northcraft

HFN:jlf

II(7)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, and Butts  
14th Floor Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

This letter is to confirm the Commission's receipt of your proposed conciliation agreement on behalf of your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, on September 9, 1986, and your subsequent correspondence dated September 25, 1986.

Conciliation negotiations prior to a finding of probable cause to believe are limited to a maximum of thirty (30) days. As the time for pre-probable cause conciliation has expired, we ask for your response to the Commission's counter conciliation proposal within ten days of your receipt of this notification. If you do not accept the Commission's proposal with that time, this Office will proceed to the next step in the enforcement process by submitting to you and to the Commission a brief, recommending whether or not the Commission should find probable cause to believe your committee violated the pertinent sections of the Federal Election Campaign Act.

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

Sincerely,

Charles N. Steele  
General Counsel

BY: Lawrence M. Noble  
Deputy General Counsel

111(12)

87040634819

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )  
)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Daniel Swillinger on behalf of Campaign Planning Inc. The Commission found reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, ("Respondents") violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation, and an investigation was conducted.

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

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

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

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

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

1. Respondent Allen for Congress Committee ("Allen Committee") is a political committee registered with the Federal Election Commission.

87040534820

2. Charles W. Haren, Jr., is treasurer of the Allen for Congress Committee.

3. On or about April 1, 1984, the Allen Committee entered into a contract with Campaign Planning Inc. ("CPI") in which CPI agreed to provide planning, political consulting and advertising production services for the candidate, Marjorie Powell Allen.

4. From April through August, 1984, the Allen Committee paid approximately \$62,000 in fees and travel reimbursements to CPI.

5. The Allen Committee did not pay for invoices dated September 27, August 18, August 1, and July 26, 1984, which totalled \$13,862.54, which the Committee contends it believed were incorrect.

6. By letter dated July 30, 1985, counsel for the Allen Committee offered to settle the matter for \$9,200. This Office was rejected by counsel for CPI in October, 1985.

7. The Allen Committee did not report the disputed outstanding obligation on its 1984 October Quarterly Report and all subsequent reports.

8. On July 7, 1986, the Allen Committee filed an amended Year End Report which listed the \$13,862.54 disputed debt as an outstanding obligation to CPI.

V. Pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature

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of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

VI. Respondents did not report the \$13,862.54 disputed debt as an outstanding obligation in a timely manner, in violation of 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

VIII. 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.

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

87040534822

oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

\_\_\_\_\_  
Lawrence M. Noble  
Deputy General Counsel

\_\_\_\_\_  
Date

FOR THE RESPONDENTS:

\_\_\_\_\_  
Date

87040534823



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

*plm*

August 7, 1986

H. Fred Northcraft  
Smith, Gill, Fisher, and Butts  
14th Floor, Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

On May 20, 1986, the Commission found reason to believe that your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation. At your request, the Commission determined on July 29, 1986, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosures

97040534824



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, and Butts  
14th Floor, Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

On May 20, 1986, the Commission found reason to believe that your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation. At your request, the Commission determined on July 29, 1986, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosures

87040634825  
Seg 8/6/86

8/6/86

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 29, 1986, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2146:

1. Enter into conciliation with the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, prior to a finding of probable cause to believe.

2.

b)

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

Attest:

7-30-86

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

87040634826

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
Allen for Congress Committee )  
Charles W. Haren, Jr., Treasurer )

MUR-2146 23 25:02

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On May 20, 1986, the Commission determined there is reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation.

By letter dated June 18, 1986, counsel for the Allen Committee requested that this matter be settled prior to a finding of probable cause to believe (Attachment I).

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**II. RECOMMENDATION**

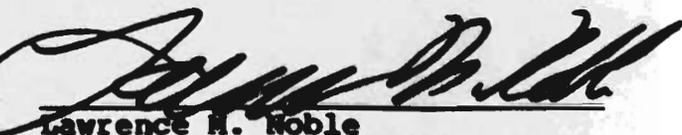
The Office of General Counsel recommends that the

Commission:

1. Enter into conciliation with the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, prior to a finding of probable cause to believe;
2. Approve and authorize the sending of the attached letter and conciliation agreement.

Charles N. Steele  
General Counsel

7/23/36  
Date

BY:   
Lawrence M. Noble  
Deputy General Counsel

**Attachments**

1. Response
2. Proposed letter and conciliation agreement

87040634828

RECEIVED: 10:54  
GCC#759  
06 JUN 20 4:54

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**

INCORPORATED  
FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
222 WALNUT STREET  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. SAVIDON  
KENNETH T. WALLACE  
DAVID R. SCHLES  
G. JOHN READEY, III  
RICHARD A. KING  
THOMAS M. KRUMHOLTZ  
MARGEN A. GOSNEY  
KATH V. SELZER  
JOSEPH L. HENNINGER

GLEN H. BALL, JR.  
ANNE H. BLESSING  
LARRY S. IRON  
S. BRADFORD JOHNSON  
SHELIA JANICK  
W. WOODY SCHLOSSER  
GREGORY D. KIRKEND  
JULIE G. FRICKLEYTON  
MARE L. KUENNERLEIN  
MICHAEL A. SCHNAB  
STEVEN L. RIST  
FRANK W. LIPMAN  
GREGORY S. O'NEARNE  
CHARLES A. STERNBERG  
THOMAS A. BERN  
CHARLES W. GORDON, JR.

June 18, 1986

Ms. Shelley Garr  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen For Congress Committee  
Charles W. Haren, Jr., Treasurer

Dear Ms. Garr:

This will confirm and supplement our telephone conversation June 16 relating to the captioned matter. We have reviewed the Commission's May 27 letter and although we do not agree that any violation occurred, we would like to settle the matter through conciliation prior to a finding of probable cause. Accordingly, the Committee is preparing an amended quarterly report which will list the disputed debt and will file same as soon as possible.

If you have any questions or comments, please let me know.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By *H. Fred Northcraft*  
H. Fred Northcraft

HPN:jlf

cc: Mr. Charles W. Haren, Jr.  
Marjorie Powell Allen

Attachment I (1)

87040634829

16 JUN 20 4:30

GIL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Allen for Congress Committee ) MUR 2146  
Charles W. Haren, Jr., Treasurer )  
)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Daniel Swillinger on behalf of Campaign Planning Inc. The Commission found reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, ("Respondents") violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation, and an investigation was conducted.

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

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

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

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

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

1. Respondent Allen for Congress Committee ("Allen Committee") is a political committee registered with the Federal Election Commission.

87040534830

2. Charles W. Haren, Jr., is treasurer of the Allen for Congress Committee.

3. On or about April 1, 1984, the Allen Committee entered into a contract with Campaign Planning Inc. ("CPI") in which CPI agreed to provide planning, political consulting and advertising production services for the candidate, Marjorie Powell Allen.

4. From April through August, 1984, the Allen Committee paid approximately \$62,000 in fees and travel reimbursements to CPI.

5. The Allen Committee failed to pay for invoices dated September 27, August 18, August 1, and July 26, 1984, which totalled \$13,862.54.

6. By letter dated July 30, 1985, counsel for the Allen Committee offered to settle the matter for \$9,200. This Office was rejected by counsel for CPI in October, 1985.

7. The Allen Committee failed to report the outstanding obligation on its 1984 October Quarterly Report and all subsequent reports.

8. On July 7, 1986, the Allen Committee filed an amended Year End Report which listed the \$13,862.54 outstanding obligation to CPI.

V. Pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

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VI. By failing to report the \$13,862.54 outstanding obligation in a timely manner, respondents are in violation of 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of [REDACTED]

[REDACTED] pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 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.

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

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oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY:

\_\_\_\_\_  
Lawrence M. Noble  
Deputy General Counsel

\_\_\_\_\_  
Date

FOR THE RESPONDENTS:

\_\_\_\_\_

\_\_\_\_\_  
Date

87040534933

II(5)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, and Butts  
14th Floor, Commerce Trust Building  
922 Walnut Street  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

On May 20, 1986, the Commission found reason to believe that your clients, the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to report a disputed debt as an outstanding obligation. At your request, the Commission determined on , 1986, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosures

II(6)

87040534934

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED  
FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
922 WALNUT STREET  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

RECEIVED AT THE FEC

ACC 872

86 JUL 7 9:05

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVY  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. MOUSER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
B. JOHN READEY, III  
RICHARD A. KING  
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W. WOODY SCHLOSSER  
GREGORY D. KINCAID  
JULIE C. FRICKLETON  
MARC L. KUENNERLEIN  
NICHELE A. BONHAG  
STEVEN L. RIST  
FRANK W. LIPSHAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERKE  
CHARLES W. GORDON, JR.

June 30, 1986

Ms. Shelley Garr  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen for Congress Committee

Dear Ms. Garr:

Pursuant to our recent telephone conversation, enclosed is the amended filing on behalf of the Committee disclosing the disputed debt.

If you require anything further, please let me know.

Very truly yours,

SMITH, GILL, FISHER & BUTTS  
INCORPORATED

*H. Fred Northcraft*  
H. Fred Northcraft

HFN:jif  
Enclosure

R 7 0 4 0 6 3 4 8 3 5

86 JUL 2 4 40 95

RECEIVED  
GENERAL COUNSEL  
OFFICE OF THE  
COMMISSIONER

REPORTS OF RECEIPTS AND DISBURSEMENT  
For Authorized Committee

RECEIVED BY THE FEC

86 JUL 7 9:05

(Summary Page)

ALIAN AREA   ALIAN AREA  

1. Name of Committee (in Full) MARJORIE POWELL ALLEN FOR CONGRESS 2. FEC Identification Number 110469

Address (Number and Street) P.O. Box 1270 3. Is this Report an Amendment?  YES  NO

City, State and Zip Code Shawnee Mission, KS 66207  Check if address is different than previously reported.

4. TYPE OF REPORT

- April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid Year Report (Non-election Year Only)
- Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_
- Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_
- Termination Report

This report contains activity for  Primary Election  General Election  Special Election  Runoff Election

SUMMARY		COLUMN A	COLUMN B
5. Covering Period <u>JULY 1, 1985</u> through <u>DEC 31, 1985</u>		This Period	Calendar Year-to-Date
6	Net Contributions (other than loans)		
	(a) Total Contributions (other than loans) (From Line 11 (e))		
	(b) Total Contribution Refunds (from Line 20 (d))		
	(c) Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))	0	0
7	Net Operating Expenditures		
	(a) Total Operating Expenditures (from Line 17)	0	700.00
	(b) Total Offsets to Operating Expenditures (from Line 14)	0	3,987.27
	(c) Net Operating Expenditures (Subtract Line 7 (b) from 7 (a))	0	(3,287.27)
8	Cash on Hand at Close of Reporting Period (from Line 27)	3,338.45	
9	Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		
10	Debts and Obligations Owed BY The Committee (Itemize all on Schedule C or Schedule D)	\$ 13,862.54	

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 9530  
Local 202 523 4068

TOD HAREN  
Type or Print Name of Treasurer

Tod Haren  
SIGNATURE OF TREASURER

6/20/86  
Date

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

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

87040534836

Name of Committee (in Full)	Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
<b>MARJORIE POWELL ALLEN FOR CONGRESS</b> A. Full Name, Mailing Address and Zip Code of Debtor or Creditor WILLIAM F. ROESING CAMPAIGN PLANNING, INC. 6300 RIDGEFIELD RD. BETHESDA, MD 20815	13,862.54 (DISPUTED DEBT)		0	13,862.54
Nature of Debt (Purpose): MEDIA BUYING (DISPUTED DEBT)				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
1) SUBTOTALS This Period This Page (optional) .....				
2) TOTAL This Period (last page this line only) .....				13,862.54
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only) .....				
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only) .....				

87040534837

RECEIVED AT THE FEC  
GCC# 759  
86 JUN 20 11:54

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED  
FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
822 WALNUT STREET  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. MOUSER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
B. JOHN READEY, III  
RICHARD A. KING  
THADDEUS M. KRAMAR  
SHARON A. COONEY  
IRVIN V. SELZER  
JOSEPH L. HIERSTEINER

OWEN K. BALL, JR.  
ANNE H. BLESSING  
LARRY D. IRICK  
D. BRADFORD JOHNSON  
SHEILA JANICKE  
W. WOODY SCHLOSSER  
GREGORY D. KINCAID  
JULIE C. FRICKLETON  
MARC L. KUEHMERLEIN  
NICHELE A. BONHAB  
STEVEN L. RIST  
FRANK W. LIPSMAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERKE  
CHARLES W. GORDON, JR.

June 18, 1986

CRANES (G)

Ms. Shelley Garr  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146  
Allen For Congress Committee  
Charles W. Haren, Jr., Treasurer

RECEIVED  
GENERAL COUNSEL  
86 JUN 20 P 3:30

87040534838

Dear Ms. Garr:

This will confirm and supplement our telephone conversation June 16 relating to the captioned matter. We have reviewed the Commission's May 27 letter and although we do not agree that any violation occurred, we would like to settle the matter through conciliation prior to a finding of probable cause. Accordingly, the Committee is preparing an amended quarterly report which will list the disputed debt and will file same as soon as possible.

If you have any questions or comments, please let me know.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By *H. Fred Northcraft*  
H. Fred Northcraft

HFN:jlf

cc: Mr. Charles W. Haren, Jr.  
Marjorie Powell Allen

LAW OFFICES

SMITH, GILL, FISHER & BUTTS

INCORPORATED

FIFTEENTH FLOOR COMMERCE TRUST BUILDING

507 WALNUT STREET

KANSAS CITY, MISSOURI 64109

Mr. Stephen Gann  
Federal Election Commission  
444 Building, N.W.  
Washington, D.C. 20546

FS:11



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 27, 1986

Marjorie Powell Allen  
30 LeMans Court  
Prarie Village, Kansas 66206

RE: MUR 2146  
Marjorie Powell Allen

Dear Ms. Allen:

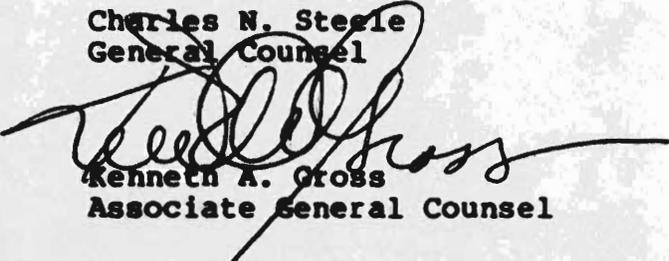
On March 13, 1986, the Commission notified you, the Allen for Congress Committee ("Committee") and Charles W. Haren, Jr., as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on May 20, 1986, determined that on the basis of the information in the complaint, and information provided by counsel for your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed by you. Accordingly, the Commission closed its file in this matter as it pertains to you. 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

07040534940



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Marjorie Powell Allen  
30 LeMans Court  
Prarie Village, Kansas 66206

RE: MUR 2146  
Marjorie Powell Allen

Dear Ms. Allen:

On March 13, 1986, the Commission notified you the Allen for Congress Committee ("Committee") and Charles W. Haren, Jr., as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on May 20, 1986, determined that on the basis of the information in the complaint, and information provided by counsel for your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed by you. Accordingly, the Commission closed its file in this matter as it pertains to you. 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

87040534841

peg 5/27/86



**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

May 27, 1986

**H. Fred Northcraft  
Smith, Gill, Fisher, & Butts, Inc.  
Fourteenth Floor Commerce Trust Bldg.  
Kansas City, Missouri 64106**

**RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer**

**Dear Mr. Northcraft:**

The Federal Election Commission notified your clients on March 13, 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 your clients at that time. We acknowledge receipt of your explanation of this matter which was dated March 10, 1986.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 20, 1986, determined that there is reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr. as treasurer violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11, provisions of the Act by failing to report a disputed debt as an outstanding obligation. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within fifteen days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. You should be advised, however, that if pre-probable cause conciliation is requested, the Commission is under no obligation to propose a conciliation agreement until it has completed its investigation in this matter. Also, under 11 C.F.R. § 111.18(d), the Commission is not required to enter into any negotiations directed towards reaching a conciliation agreement unless and until it makes a finding of probable cause to believe. In the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

87040534842

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 your clients wish the matter to be made public. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



John Warren McGarry  
Vice Chairman

Enclosures  
Procedures

87040634843



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, & Butts, Inc.  
Fourteenth Floor Commerce Trust Bldg.  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

The Federal Election Commission notified your clients on March 13, 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 your clients at that time. We acknowledge receipt of your explanation of this matter which was dated March 10, 1986.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 20, 1986, determined that there is reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr. as treasurer violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11, provisions of the Act by failing to report a disputed debt as an outstanding obligation. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within fifteen days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. You should be advised, however, that if pre-probable cause conciliation is requested, the Commission is under no obligation to propose a conciliation agreement until it has completed its investigation in this matter. Also, under 11 C.F.R. § 111.18(d), the Commission is not required to enter into any negotiations directed towards reaching a conciliation agreement unless and until it makes a finding of probable cause to believe. In the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

Recy 5/23/86

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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 your clients wish the matter to be made public. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McGarry  
Vice Chairman

Enclosures  
Procedures

87040534845

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Marjorie Powell Allen, )  
Allen for Congress, and )  
Charles W. Haren, Jr., )  
Treasurer )

MUR 2146

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session of May 20, 1986, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2146:

1. Find no reason to believe that Marjorie Powell Allen violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.
2. Find reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.
3. Approve the letters attached to the First General Counsel's signed Report of May 8, 1986, as amended.

Commissioners Elliott, Harris, Josefiak, McDonald, and McGarry voted affirmatively for this decision. Commissioner Aikens was not present.

Attest:

5-20-86  
Date

Mary W. Dove  
Mary W. Dove  
Administrative Assistant

87040534946

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

RECEIVED  
OFFICE OF  
COMMISSIONER  
**SENSITIVE**

FIRST GENERAL COUNSEL'S REPORT MAY 8 P 4:30

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION:

MUR #2146  
DATE COMPLAINT RECEIVED  
BY OGC 2/25/86  
DATE OF NOTIFICATION TO  
RESPONDENT 3/31/86  
STAFF MEMBER Garr

COMPLAINANT'S NAME: Campaign Planning, Inc.  
RESPONDENT'S NAME: Marjorie Powell Allen, Allen for  
Congress, and Charles W. Haren, Jr.,  
Treasurer  
RELEVANT STATUTE: 2 U.S.C. § 434  
11 C.F.R. § 104.11  
INTERNAL REPORTS  
CHECKED: FEC Disclosure Documents  
FEDERAL AGENCIES  
CHECKED: N/A

I. SUMMARY OF ALLEGATIONS

On February 25, 1986, a complaint was filed by counsel for Campaign Planning, Inc, ("CPI") alleging that Marjorie Powell Allen, the Allen for Congress Committee ("Committee") and its treasurer, Charles W. Haren, Jr., violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11 by failing to disclose on its 1984 October Quarterly and all subsequent reports, a \$13,862 outstanding balance owed to Campaign Planning, Inc.<sup>1/</sup>

<sup>1/</sup> Campaign Planning has filed suit in Superior Court for the District of Columbia to recover the \$13,862 plus an additional \$4,000 in consulting fees due under the alleged contract.

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Counsel alleged that on or about April 1, 1984, Marjorie Allen entered into contract with Campaign Planning, Inc. in which CPI agreed to provide planning, political consulting, and advertising production services for Mrs. Allen.<sup>2/</sup> From April through August, 1984, the Committee paid approximately \$62,000 in fees and travel reimbursements to CPI. However, counsel continued, since late July, Mrs. Allen failed to pay for four invoices, totalling \$13,862.54.<sup>3/</sup>

According to her counsel, the invoices have not been paid, because Mrs. Allen believes she did not receive full value for the consulting services which were provided to her.

Although she has offered to settle the \$13,860 for \$9,200 the offer was rejected by CPI.

In a response to the notification of complaint, counsel for the Allen Committee refuted several of CPI's allegations: first, that Mrs. Allen did not enter into a contract with CPI, nor is there any written contract signed by the parties to this dispute; second, that the invoices in question were not paid because the Committee believed that no further sums were due and advised CPI and its counsel that the amounts were disputed; and third, that Mrs. Allen made no settlement offer; that it was, in fact, made

<sup>2/</sup> Counsel failed to provide any written documentation or evidence indicating whether such contract was written or oral.

<sup>3/</sup> The Allen Committee reported \$1,298.27 (9/7/84) and \$29,460.30 (7/24/84) on its 1984 October Quarterly Report, and \$20,475.00 (6/1/84) and \$10,000 (5/9/84) on its 1984 July Quarterly Report as disbursements to Campaign Planning Inc.

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by her counsel only because the Committee wished to dispose of the matter and not because it thought any sums were due.

**II. FACTUAL AND LEGAL ANALYSIS**

In this matter, Campaign Planning, Inc. contends that the Committee received the value of \$13,862 (above the \$61,233.57 already paid) in services from Campaign Planning, yet was willing to pay only the sum of \$9,200 for the services. The remaining \$4,622 is in dispute. The issue here is whether this disputed debt was required to be reported pursuant to 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

Pursuant to U.S.C. § 434 and 11 C.F.R. § 104.11, all political committees are required to report the amount and nature of outstanding debts and obligations owed by or to such committee and shall be continually reported until extinguished.

The Commission determined in Advisory Opinion 1976-85 that a committee is required to report as an outstanding debt the amount of a debt in dispute. The reasoning in AO 1976-85 was that the Act required reports which are filed to include "the amount and nature of debts and obligations owed by the committee," and that the Commission's then proposed regulations stated that this included any "promises to make contributions and expenditures." The opinion further stated that since the Act defined "expenditure" to include "... a contract, promise or agreement, express or implied, whether or not legally enforceable, to make

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expenditure' (2 U.S.C. § 431(f)(2)), " a disputed claim was required to be reported even if the validity of the debt was the subject of litigation. The Commission observed in that opinion that the Committee would be free to accompany the reporting of the disputed debt with a caveat to the effect that the debt was contested.

The disputed debt to Campaign Planning, Inc. would be required to be reported by the Committee if the analysis of Advisory Opinion 1976-85 was applied alone. However, the statute has been amended since the issuance of Advisory Opinion 1976-86. In the 1979 Amendments, Congress added the word "written" to the definition of "expenditure", so that now a "written contract, promise, or agreement to make an expenditure" is required. See 2 U.S.C. § 431(9)(A)(ii). This change, along with the deletion of the phrase "whether or not legally enforceable", suggests that Congress wished to remove from the reporting requirements those contracts, promises, and agreements which are merely oral in nature.

In light of the statutory change noted, it would appear that the Committee was under no obligation to report any disputed obligations which arose from the initial "contract." Although the Committee contends that the "contract" in this case is non-enforceable because no "written contract" existed, it is the view of this Office that the principle enunciated in Advisory Opinion 1975-86 is sound with respect to those situations in which a

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committee has actually received the goods or services involved and has been billed for such goods or services. Invoices from CPI to the Allen Committee (see Attachment I(6) - I(13)) clearly indicate that services were provided to the Allen Committee.

The Office of General Counsel believes that the Committee should have reported as an outstanding debt the amount it was billed in writing but which it had not paid at the end of the respective reporting period. Such disclosure should be required in a situation where a reporting entity has received goods or services for which it has not made payment in the amount billed; and the cost of which is in dispute. Therefore, the Office of General Counsel recommends that the Commission find reason to believe that the Allen Committee and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

Because the investigation has provided no evidence to suggest that Marjorie Powell Allen was personally involved in the transactions of the Committee, the Office of General Counsel recommends that the Commission find no reason to believe that Marjorie Powell Allen violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

**RECOMMENDATION**

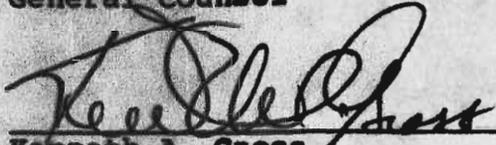
1. Find no reason to believe that Marjorie Powell Allen violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.
2. Find reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer, violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11.

87040634851

3. Approve the attached letters.

Charles N. Steele  
General Counsel

May 8, 1986  
Date

BY:   
Kenneth A. Gross  
Associate General Counsel

Attachments

1. Complaint, Response to complainant
2. Proposed letters

87040534852

LAW OFFICES OF  
DAVIS AND GOOCH  
900 PENNSYLVANIA AVENUE, S.E.  
WASHINGTON, D.C. 20003  
(202) 543-3800

MUR 2146

RECEIVED  
OFFICE OF THE REC  
COMMISSION SECRETARY

**SENSITIVE**

DANIEL J. SWILLINOSZ  
OF COUNSEL

RAYMOND L. GOOCH  
WILLIAM E. DAVIS

\* ALSO MEMBER VERMONT BAR  
\* ALSO MEMBER MASSACHUSETTS & NEW HAMPSHIRE BARS

00 FEB 25 12:06

February 19, 1986

The Honorable Joan D. Aikens  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairman,

I am filing this complaint, on behalf of Campaign Planning, Inc., against Marjorie Powell Allen, the Allen for Congress Committee, and its treasurer, Charles W. (Tod) Haren, Jr. Statements herein are made upon information and belief.

Background

Mrs. Allen was an unsuccessful candidate for the U.S. House of Representatives in the Republican primary in the 3rd District of Kansas in 1984, finishing fourth in a field of five. The Allen for Congress Committee was designated as her principal campaign committee; Charles W. Haren, Jr. was designated as the committee's treasurer. (All of the disclosure reports filed with the Commission are signed "Tod" Haren; I have reason to believe that Charles W. Haren, Jr. and Tod Haren are the same person.)

On or about April 1, 1984, Mrs. Allen entered into a contract with Campaign Planning, Inc., a District of Columbia corporation, in which Campaign Planning agreed to provide planning, political consulting, and advertising production services to Mrs. Allen and her campaign.

From April into August, 1984, the Allen Committee paid Campaign Planning approximately \$62,000 in fees and reimbursement for expenses.

However, since late July, 1984, Mrs. Allen has failed to pay four separate invoices, totaling \$13,862.54, for radio and television advertising production costs, and for related travel and other incidental expenses. (Copies of invoices attached.) These invoices have been repeatedly sent to Mrs. Allen, most recently in February, 1986. (Copy attached.)

Mrs. Allen has never denied that the invoices were accurate, or that the expenses were not authorized. Indeed, all of the television, and most of the radio, commercials were aired during the campaign. All were prepared at her express direction. She appeared in some of the TV ads.

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I(1)

Chairman Aikens  
Page Two

None of the invoices have been paid. They are in dispute, because Mrs. Allen believes that she did not receive full value for the consulting services which were provided to her, and believes that therefore she may offset this against the outstanding invoices.

She has offered to settle the \$13,862 for \$9200, in a letter from her lawyer dated July 30, 1985. (Copy attached.) This offer was rejected by me for Campaign Planning in October, 1985 in a telephone conversation with Mrs. Allen's lawyer.

Campaign Planning has filed suit in the Superior Court of the District of Columbia to recover the \$13,862, plus another \$4000 in consulting fees due under the contract.

The Violation

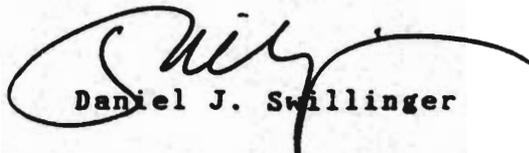
The Committee has failed to report this debt owed by the Committee to Campaign Planning, as required by 2 U.S.C Sec. 434 and 11 CFR Sec. 104.11. The debt has not been disclosed on the committee's October, 1984 quarterly report, its 1984 year-end report, its 1985 mid-year report or its 1985 year-end report. Campaign Planning believes this to be a knowing and willful violation of the Act, and that criminal penalties should be considered by the Commission.

The Commission should note that all other corporate and non-corporate vendors have been paid in full, making it possibly unlawful for Campaign Planning, as a corporation, to accept a settlement offer of half the amount actually owed.

Finally, Campaign Planning believes that this is a situation for which the candidate bears special responsibility. Of the approximately \$450,000 spent by the Allen committee, Mrs. Allen provided \$350,000 of it. The committee is indistinguishable financially from her. Her lawyer has conducted the negotiations; Mrs. Allen, not the committee's treasurer, disputes the value of the services rendered. If the settlement offer had been accepted, she would have written the check. We suggest to the Commission that Mrs. Allen's actions related to these repeated violations of the Act bear close scrutiny.

Please contact me if I can provide additional information.

Sincerely,

  
Daniel J. Swallinger

Attachments - as stated

I(2)

87040534934

DAVIS AND GOOCH

Chairman Aikens  
Page Three

WASHINGTON, DISTRICT OF COLUMBIA:

Subscribed and sworn before me this 20<sup>th</sup> day of February,  
1986.

  
Patricia Linsbeck, Notary Public

My Commission Expires January 8, 1987

87040534855

I(3)

**CAMPAIGN PLANNING INC.**

5300 Ridgefield Road  
Bethesda, Maryland 20816  
(301) 657-1727

**WILLIAM P. ROERING**  
President

**S T A T E M E N T**

To: **Marjorie Powell Allen**  
**ALLEN FOR CONGRESS**  
**30 Le Mans Court**  
**Prarie Village, Kansas 66206**

Date: **February 1, 1986**

<u>CPI#</u>	<u>Item</u>	<u>Amount</u>
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.68
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	Interest 9/26	247.86
	Interest 10/26	251.58
	Interest 11/26	255.35
	Interest 12/26	259.18
	Interest 1/26	263.07
	<b>TOTAL DUE</b>	<b><u>\$17,801.10</u></b>

87040634856

I(4)

CAMPAIGN PLANNING INC.

5300 Ridgely Road  
Bethesda, Maryland 20816  
(301) 657-1727

WILLIAM P. ROESING  
President

STATEMENT

TO: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prairie Village, Kansas  
66208

DATE: September 1, 1985

CPII	Item	Amount
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.60
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	TOTAL DUE	<u>\$16,524.06</u>

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I(5)

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: MARJORIE POWELL ALLEN  
30 Le-Mans Court  
Prarie Village, KS 66208

DATE: September 27, 1984  
CPI #: 399

Item	Amount
<u>EXPENSES - August</u>	
<u>Travel</u>	
7/28 Breakfast	8.55
Parking at Airport	12.00
<u>Delivery</u>	45.50
<u>Telephone</u>	39.84
TOTAL DUE UPON RECEIPT	<u>\$105.89</u>

87040634858

I(6)

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: AUGUST 17, 1984  
CPI #: 372

<u>Item</u>	<u>Amount</u>
Radio Spot Production (8/2)	577.94
Delivery of Radio Spot	57.25
<u>Travel</u>	
Roundtrip Airfare 8/7	260.00
Taxi to Airport	12.00
Taxi return trip	7.50
Hotel	47.87
<u>Telephone</u>	
July	259.96
<u>Delivery</u>	75.75
TOTAL DUE UPON RECEIPT	<u>\$1,298.27</u>

87040334859

I(7)

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: ALLEN FOR CONGRESS

DATE: August 1, 1984

CPI #: 371

Item	Amount
<u>EXPENSES</u> July	
Delivery	22.75
RT Airfare 7/16	509.00
Hotel 7/28	64.68
RT Airfare 7/28	477.00
Final invoice for TV & Radio Production (See attached.)	<u>1,087.77</u>
TOTAL DUE UPON RECEIPT	<u><u>\$2,161.20</u></u>

97040634860

I(8)

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-864-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Attn: Bill Roeding  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

8704034861

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID.	INVOICE NO.
07/30/84	E4-07-111	MP Allen TV & Radio Spot	CAMPPLA	04882

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	radio production & dubs	205.31	205.31
1.00	radio prod DC & audio repair	25.38	25.38
1.00	radio dubs #603	155.63	155.63
1.00	radio prod. & dubs #604	195.94	195.94
1.00	narration services	175.20	175.20
4.00	1" dubs	22.00	88.00
.50	hrs. 1" editing	350.00	175.00
1.00	5 min. 3/4" cassette	17.00	17.00
1.00	Federal Express shipping	50.31	50.31

SUBTOTAL

TAX

I(9)

TOTAL

1087.77

70209

.00

1087.77

Terms: Net 15. A Service Charge of 1.5 X will be added to all accounts with any outstanding balance over 30 days old on the first day of the month.

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984  
CPI #: 361

Item	Amount
<u>EXPENSES</u> - July Radio & TV	
Preliminary bill for radio and television production (see attached)	\$9,353.05
Please pay this amount, you will be invoiced separately for the remainder.	
TOTAL DUE UPON RECEIPT	<u>\$9,353.05</u>

87040534952

I(10)

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040534863

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-101	M. Allen Wave 2 TV & Radio	CAMPPLA	04817

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
6.00	hrs. 1" studio 1 cam (3hr. min)	300.00	1800.00
1.00	hrs. 1" shooting stock	135.00	135.00
1.00	make-up services	187.50	187.50
5.00	hrs. 1" editing	350.00	1750.00
2.00	hrs. ADD both channels	450.00	900.00
2.00	hrs. ADD extended channel	300.00	600.00
3.50	hrs. on line camera	150.00	525.00
1.00	1" master stock (minimum)	25.00	25.00
1.00	protection master (minimum)	20.00	20.00
2.00	TV narrator (2 spots)	656.38	1312.76
1.00	beta cassettes	15.00	15.00
1.00	5 min. 3/4" cassette	17.00	17.00
4.00	1" dubs	26.00	104.00
2.00	narrator radio (2 spots)	160.03	320.06
1.00	radio production & dubs	380.31	380.31
2.00	shipping & deliveries	37.50	75.00

SUBTOTAL

TAX

TOTAL

8166.63

70209

.00

8166.63

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040634864

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-111	HP Allen TV & Radio Spot	CAMPPLA	04816

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	narration record-Kansas City	85.24	85.24
1.00	radio prod DC & audio repair	495.56	495.56
1.00	TV 1 spot	328.19	328.19
.25	audio strip & layback	350.00	87.50
1.00	radio talent, tag	159.30	159.30
1.00	Fed Exp to Kansas City	15.63	15.63
5.00	min. 1/2" audio stock	3.00	15.00

Bills to Follow:  
narrator 1 tag radio  
TV-dubs  
radio dubs  
shipping

I(12)

SUBTOTAL	TAX	TOTAL
1186.42	70209 .00	1186.42

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 70 days old on the date of billing.

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984  
CPI #: 360

Item	Amount
<b>EXPENSES - July</b>	
<b>Travel</b>	<b>\$783.86</b>
Holiday Inn 6/11	46.05
Roundtrip Air 6/11	221.00
Regency Park 6/28	85.14
Roundtrip Air 6/28	384.00
Cabfare 6/28	10.00
Cabfare 6/29	10.00
Lunch 7/9	21.67
Parking at National Airport 7/16	6.00
<b>Telephone</b>	<b>160.27</b>
June telephone expense	
<b>TOTAL DUE UPONE RECEIPT</b>	<b>\$944.13</b>

87040534865

I(13)

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
KANSAS CITY, MISSOURI 64109  
PHONE 474-7400  
CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. DAVISON  
HENRICH T. WALLACE  
DAVID R. SCHLEE  
G. JOHN REASEY, III  
RICHARD A. RING  
THASBUS H. KRAMAR  
SHARON A. COONEY

IRVIN V. BELZER  
JOSEPH L. HIRSHSTEINER  
OWEN K. BALL, JR.  
ANNE H. BLESSING  
LARRY S. IRICK  
G. BRADFORD JOHNSON  
SHEILA JANICKI  
W. WOODY SCHLOSSER  
JULIE G. FRICHLITON  
MARG L. KUENNERLEIN  
STEVEN L. REY  
FRANK W. LIPSKAN  
SEAN B. O'NEARNE  
CHARLES A. ETHERINGTON

July 30, 1985

Mr. William P. Roesing  
Campaign Planning, Inc.  
5300 Ridgefield Road  
Bethesda, Maryland 20816

Re: Marjorie Allen's Campaign Committee  
Disputed Final Statement

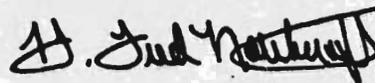
Dear Mr. Roesing:

You will recall that some time ago we discussed the possible compromise of the captioned matter. In an effort to settle your claim the Committee is willing to pay \$9,200. If this is satisfactory, please let me know and I will see that a check is forwarded to you by return mail.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:ms

87040634856

I(14)

2196 *arr*

*Rec. Aikens*  
3-12-86  
CCH 9966

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**

INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

KANSAS CITY, MISSOURI 64108

(816) 474-7400

CABLE "SMITHLAW"

EDWARD A. SMITH  
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H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. MOUSER  
BRUCE C. DAVISON  
HENRICK T. WALLACE  
DAVID R. SCHLES  
S. JOHN REASEY, III  
RICHARD A. KING  
THASDEUS H. KRAMAR  
SHAON A. COONEY  
IRVIN V. SELER

JOSEPH L. HILFSTEINER  
OWEN K. BALLY, JR.  
ANNE H. BLEWIS  
LARRY S. IRICE  
D. BRADFORD JOHNSON  
SHEILA JANICKO  
W. WOODY SCHLESER  
GREGORY S. KING  
JULIE C. FRICKLETON  
MARC L. RUMMELT  
STEVEN L. RIST  
FRANK W. UPDEGROVE  
BRIAN D. O'NEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERNE  
CHARLES W. GIBSON, JR.

36 MAR 12

RECEIVED  
GENERAL INVESTIGATIVE  
DIVISION  
MAR 12 1986

March 10, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairperson:

We are in receipt of a copy of the February 19, 1986 letter to you from Daniel Swillinger regarding a dispute between Marjorie Powell Allen's Campaign Committee ("Committee") and Campaign Planning, Inc. As counsel for the Committee, we wish to respond to Mr. Swillinger's allegations which contain false and misleading statements in an attempt to misuse a federal agency by creating pressure on the Committee to pay sums it does not believe are due.

Contrary to Mr. Swillinger's letter which is based only on information and belief:

1. Mrs. Allen did not on or about April 1, 1984 (or at any other time, or did anyone else on behalf of the Committee) enter into a contract with Campaign Planning, Inc. which could be the basis for "the violation" alleged. There is no written contract signed by the parties to this dispute.
2. The invoices in question were not paid because the Committee believes no further sums are due and advised both Mr. Roesing and his counsel that the amounts sought were disputed.
3. Mrs. Allen did not make any settlement offer. The Committee, through its counsel, made the settlement offer, not because it thought any sums were due but because the Committee wanted to dispose of the matter. The wording of my July 30 letter furnished to the FEC by Swillinger states "The Committee is willing to pay \$9,200."

37040534857

MAR 12 P 2:30

4. There is no "the contract" as referred to by Mr. Swillinger for the reason that no written contract in the legal sense exists. Furthermore, the copy of the draft memorandum attached to the complaint filed in the District of Columbia was just that - a "draft" which was never agreed upon or consummated by the proposed parties.

Mr. Swillinger states that the Committee failed to include in its reports to the Federal Election Commission a debt owed Campaign Planning, Inc. In the Complaint filed in the Superior Court of the District of Columbia by Roesing and Campaign Planning, Inc., plaintiffs attempt to state a cause of action for breach of contract placing their total reliance on a non-existent contract. The complaint states that after the terms of "the contract" were negotiated, Mr. Roesing reduced "the contract" to writing and mailed it to Mrs. Allen for her signature. In fact, what was sent was only a proposed "draft" which was never agreed on or consummated. (See copy of Roesing's letter of April 2, 1984.) The Complaint contains no allegation that the alleged contract was ever signed by Mrs. Allen or by the Committee. Indeed, the copy of the contract attached to the complaint bears no signatures. We have confirmed in a March 5 telephone conversation with Mr. Swillinger that he does not have any contract executed by Marjorie Powell Allen or the Committee. In fact, no written contract exists contrary to the tenure of his February 19 letter and the Complaint filed in the District.

The reporting provisions of the Federal Election Campaign Act of 1971 as amended (the "Act"), 2 U.S.C. §434(8), require that reports filed with the Commission include "the amount and nature of outstanding debts and obligations owed" by the Committee. Administrative Opinion 1976-85 (¶5223), defines outstanding debts to include expenditures. In 1976 when A.O. 1976-85 was issued, expenditure was defined as an express or implied contract or agreement to make expenditure, whether or not legally enforceable. However, with the 1976 amendments to the Act, expenditure is now redefined as "a written contract, promise, or agreement to make an expenditure." 2 U.S.C. §431(9)(A)(1985). The substantive change, since 1976, was to require a written, legally enforceable contract, promise or agreement. No such written contract, promise or agreement exists here, and therefore we believe there is and was no obligation to report the disputed amount.

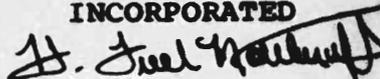
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March 10, 1986  
Page Three

Without a written contract, the disputed amount which is the basis for the D.C. Complaint and the alleged "violation" is not an expenditure within the definition under the Act and therefore does not fall within the reporting requirements of the Act. Therefore, we submit the Committee has not failed to report a debt as required by the Act and is not in violation.

Very truly yours,

SMITH, GILL, FISHER & BUTTS  
INCORPORATED



H. Fred Northcraft

HPN:jif

87040334959

II(17)

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

April 2, 1984

William F. Roeding  
President

Mrs. Marjorie P. Allen  
Allen for Congress  
8100 Marty  
Overland Park, KS 66204

Dear Marjorie,

Enclosed please find two copies of a draft memorandum of agreement outlining the terms of our proposed relationship.

Please feel free to amend, adjust or comment. I look forward to hearing from you and getting together soon.

Warm regards,

*Bill*

Enclosure

II (18)

87040534870



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Marjorie Powell Allen  
30 LeMans Court  
Prarie Village, Kansas 66206

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Ms. Allen:

On March 13, 1986, the Commission notified you, the Allen for Congress Committee ("Committee") and Charles W. Haren, Jr., as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on \_\_\_\_\_, 1986, determined that on the basis of the information in the complaint, and information provided by counsel for your committee there is no reason to believe that a violation of any statute within its jurisdiction has been committed by you. Accordingly, the Commission closed its file in this matter as it pertains to you. 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

III (19)

87040534871



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

H. Fred Northcraft  
Smith, Gill, Fisher, & Butts, Inc.  
Fourteenth Floor Commerce Trust Bldg.  
Kansas City, Missouri 64106

RE: MUR 2146  
Allen for Congress Committee  
Charles W. Haren, Jr.,  
Treasurer

Dear Mr. Northcraft:

The Federal Election Commission notified your clients on March 13, 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 your clients at that time. We acknowledge receipt of your explanation of this matter which was dated March 10, 1986.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on , 1986, determined that there is reason to believe that the Allen for Congress Committee and Charles W. Haren, Jr., as treasurer violated 2 U.S.C. § 434 and 11 C.F.R. § 104.11, provisions of the Act. The General Counsel's Factual and Legal analysis which formed a basis for the Commission's finding is attached for your information. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within fifteen days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your clients, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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 your clients wish the matter to be

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III(20)

made public. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Enclosures  
Procedures

87040534873

III (21)

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

EDWARD A. SMITH  
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DAVID R. SCHLEE  
S. JOHN READEY, III  
RICHARD A. KING  
THADDEUS H. KRANAR  
SHARON A. COONEY  
IRVIN V. BELZER

JOSEPH L. NIERSTEINER  
OWEN E. BALL, JR.  
ANNE H. BLESSING  
LARRY B. IRICK  
D. BRADFORD JOHNSON  
SHEILA JANICKE  
W. WOODY SCHLOSSER  
GREGORY D. KINCAID  
JULIE C. FRICKLETON  
MARC L. KUENNERLEIN  
STEVEN L. RIST  
FRANK W. LIPSMAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GEMKE  
CHARLES W. GOODEN, JR.

April 3, 1986

Ms. Shelley Garr  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2146

Dear Ms. Garr:

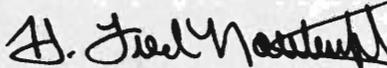
Pursuant to our recent telephone conversation relating to the captioned matter, enclosed is the Statement of Designation of Counsel executed by Marjorie Powell Allen on behalf of The Allen For Congress Committee. Also enclosed is a copy of the answer and counterclaim we filed in the Washington, D.C. action alluded to in Daniel Swillinger's February 19 letter to Ms. Aikens.

If you require anything further, please let me know.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:jlf

Enclosure

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APR 7 1986  
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**STATEMENT OF DESIGNATION OF COUNSEL**

**NUR** 2146

**NAME OF COUNSEL:** H. Fred Northcraft

**ADDRESS:** Smith, Gill, Fisher & Butts Inc.  
1400 Commerce Trust Building  
Kansas City, Missouri 64106

**TELEPHONE:** (816) 474-7400

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.

Allen For Congress Committee

4/3/86  
**Date**

By *Marion P. Allen*  
**Signature**

**RESPONDENT'S NAME:** Allen For Congress Committee

**ADDRESS:** 30 Le Mans Court  
Shawnee Mission, Kansas 66208

**HOME PHONE:** (913) 642-1375

**BUSINESS PHONE:** (913) 345-3000

87040534875

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Civil Division

CAMPAIGN PLANNING, INC., et al. )  
 )  
Plaintiffs, )

v. )

Civil Action No. CA 1338-86

MARJORIE POWELL ALLEN, et al. )  
 )  
Defendants. )

\_\_\_\_\_  
MARJORIE POWELL ALLEN, et al. )  
 )  
Counterclaim-Plaintiffs, )

v. )

CAMPAIGN PLANNING, INC., et al. )  
 )  
Counterclaim-Defendants. )

ANSWER

COME NOW defendants Marjorie Powell Allen, The Marjorie Powell Allen for Congress Committee ("Committee"), Charles W. Haren, Jr., and Irene French, and for their answer to the Complaint state and allege as follows:

**First Defense**

Answering specifically the numbered paragraphs of the Complaint, Defendants state and allege as follows:

1. Defendants deny the allegations contained in Paragraph 1.
2. Defendants are not required to admit or deny allegations of jurisdiction.
3. Defendants have insufficient information or knowledge to admit or deny the allegations of Paragraph 3.
4. Defendants have insufficient information or knowledge to admit or deny the allegations of Paragraph 4, and affirmatively aver that no written contract ever existed between the parties.
5. Defendants admit that Marjorie Powell Allen was a losing candidate for the Republican nomination to the U.S. Congress from the 3rd District of Kansas in the August 1984 Primary election. Defendants deny all remaining allegations of Paragraph 5 of the Complaint, and specifically deny that Marjorie Powell Allen entered into a contract with Campaign Planning, Inc.

6. Defendants admit the allegations of Paragraph 6.

7. The allegation of Paragraph 7 that the Treasurer of the Committee is the sole officer required under the Federal Election Campaign Act constitutes a conclusion of law to which no response is required; however, the remaining allegations of Paragraph 7 are admitted.

8. For their answer to Paragraph 8, Defendants reallege and incorporate herein by reference their answers to Paragraphs 1 through 7, inclusive, of the Complaint.

9. Defendants admit that Defendant Marjorie Powell Allen and Plaintiff William P. Roesing met in the District of Columbia to discuss the campaign and the possibility that Campaign Planning, Inc., might perform services for The Marjorie Powell Allen for Congress Committee. Defendants deny all remaining allegations of Paragraph 9. Defendants affirmatively aver that a draft memorandum of the proposed relationship, which was never agreed to or executed by any Defendant, was sent to Mrs. Allen by Plaintiff Roesing.

10. Defendants deny the allegations contained in Paragraph 10. Answering further, Defendants aver that no written contract was ever executed by Defendants.

11. Defendants deny the allegations contained in Paragraph 11.

12. Defendants admit that the Committee paid Campaign Planning, Inc. and/or William P. Roesing a total of \$61,233.57. However, Defendants deny that the services indicated on the invoices were properly billed, adequately or fully performed or that they were charged at a reasonable rate.

13. Defendants deny each and every allegation contained in Paragraph 13. Further answering, Defendants deny that a binding, written contract ever existed. Defendants further allege that Plaintiffs have failed to fully perform the services for which they were paid.

14. Defendants deny each and every allegation of the Complaint heretofore not admitted, denied or otherwise qualified.

#### **Second Defense**

15. This Court lacks personal jurisdiction over Defendants.

#### **Third Defense**

16. Plaintiffs are estopped to assert the claim set forth in the Complaint.

- 3 -

**Fourth Defense**

17. The Complaint fails to state a claim upon which relief can be granted.

**Fifth Defense**

18. The claims asserted in the Complaint are barred because no contract existed between Plaintiffs and Defendants. Assuming, arguendo, that a contract did exist between Plaintiffs and Defendants, Plaintiffs breached said contract and are, therefore, barred from recovering any further compensation from Defendants under said contract.

**Sixth Defense**

19. The claims asserted in the Complaint are barred because Defendants have fully paid Plaintiffs for any services rendered.

**COUNTERCLAIM**

Counterclaim Plaintiffs, Marjorie Powell Allen and Marjorie Powell Allen for Congress Committee, by and through and counsel, state for their counterclaim as follows:

1. Counterclaim Plaintiff, Marjorie Powell Allen For Congress Committee ("Committee"), is an unincorporated association. Counterclaim Plaintiff Marjorie Powell Allen was an unsuccessful candidate for the Republican nomination to the U.S. Congress from the 3rd District of Kansas in the August 1984 primary election.

2. Counterclaim Defendant Campaign Planning, Inc., is a corporation organized under the laws of the District of Columbia, and on information and belief, during all times relevant to this action had its sole office within the District of Columbia, at 1201 F Street, N.W., Suite 305. Counterclaim Defendant is principally engaged in the business of providing political consulting and advertising services to candidates for public office, to political party organizations, and to other political entities.

3. On information belief, Counterclaim Defendant William P. Roesing is the President and principal employee of Campaign Planning, Inc.

4. This Court has jurisdiction pursuant to Section 11-921 and 13-423 of the District of Columbia Code.

-- 4 --

5. Counterclaim Defendants performed, from time to time in 1984, certain services for the Committee.

6. The Committee paid \$61,233.57 to Counterclaim Defendants, relying, in good faith, on the representations contained in the invoices submitted by Counterclaim Defendants.

7. Counterclaim Defendants did not fully or adequately perform the services for which they were paid and the services were not billed at a reasonable rate.

WHEREFORE, Counterclaim Plaintiffs request an accounting by Counterclaim Defendants of all services rendered to Counterclaim Plaintiffs, specifically stating the basis for each charge. For services which Counterclaim Defendants have not fully or adequately performed, and for those services which were not charged at a reasonable rate, but for which Counterclaim Plaintiffs have paid Counterclaim Defendants, Counterclaim Plaintiffs further request that Counterclaim Defendants be ordered to pay Counterclaim Plaintiffs the amounts paid for services which were not fully or adequately performed, and the amounts paid which are attributable to charges over and above a reasonable rate for the services performed, and reasonable costs and attorneys' fees.

Respectfully submitted,

DUNNELLS, DUVALL, BENNETT & PORTER

By:

Robert S. Bennett  
Robert S. Bennett, Esq.  
D.C. Bar No. 112987

By:

Stephen A. Bogorad  
Stephen A. Bogorad, Esq.  
D.C. Bar No. 375565

Suite 400  
1220 Nineteenth Street, N.W.  
Washington, D.C. 20036  
(202) 861-1400

Attorneys for Defendants

OF COUNSEL:

H. Fred Northcraft, Esq.  
Smith, Gill, Fisher & Butts, Inc.  
1400 Commerce Trust Building  
Kansas City, Missouri 64108

DUNNELLS, DUVALL,  
BENNETT & PORTER  
ATTORNEYS AT LAW  
1220 NINETEENTH STREET N.W.  
WASHINGTON, D.C. 20036

**JURY DEMAND**

Defendants and Counterclaim Plaintiffs demand a trial by jury on all issues.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of March, 1986, a copy of the foregoing Answer and Counterclaim was mailed, first-class postage prepaid, to Daniel J. Swillinger, Esq., 920 Pennsylvania Avenue, S.E., Washington, D.C. 20003.

Stephen A. Bogorad  
Stephen A. Bogorad, Esq.

Rec Aikens  
3-24-86

CCC#61

M 2146

SECRETARY

MAR 24 P 1: 24

96 MAR 24 P 3: 42

FILED  
OFFICE OF THE  
GENERAL COUNSEL

March 14, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: Marjorie Powell Allen For Congress Committee  
FEC I.D. No. C00181453  
110469

Dear Madam Chairperson:

Enclosed is a copy of our March 10, 1986 letter directed to you which did not contain an FEC identification number. Our files disclose two FEC identification numbers used in connection with the Marjorie Powell Allen For Congress Committee, and they are listed above so that the letter can be properly indexed in your files.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By

H. Fred Northcraft

HPN:jlf

Enclosure

87040634882

M 2146

March 10, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairperson:

We are in receipt of a copy of the February 19, 1986 letter to you from Daniel Swillinger regarding a dispute between Marjorie Powell Allen's Campaign Committee ("Committee") and Campaign Planning, Inc. As counsel for the Committee, we wish to respond to Mr. Swillinger's allegations which contain false and misleading statements in an attempt to misuse a federal agency by creating pressure on the Committee to pay sums it does not believe are due.

Contrary to Mr. Swillinger's letter which is based only on information and belief:

1. Mrs. Allen did not on or about April 1, 1984 (or at any other time, or did anyone else on behalf of the Committee) enter into a contract with Campaign Planning, Inc. which could be the basis for "the violation" alleged. There is no written contract signed by the parties to this dispute.
2. The invoices in question were not paid because the Committee believes no further sums are due and advised both Mr. Roesing and his counsel that the amounts sought were disputed.
3. Mrs. Allen did not make any settlement offer. The Committee, through its counsel, made the settlement offer, not because it thought any sums were due but because the Committee wanted to dispose of the matter. The wording of my July 30 letter furnished to the FEC by Swillinger states "The Committee is willing to pay \$9,200."

R 7 0 4 0 6 3 4 8 8 3

4. There is no "the contract" as referred to by Mr. Swillinger for the reason that no written contract in the legal sense exists. Furthermore, the copy of the draft memorandum attached to the complaint filed in the District of Columbia was just that - a "draft" which was never agreed upon or consummated by the proposed parties.

Mr. Swillinger states that the Committee failed to include in its reports to the Federal Election Commission a debt owed Campaign Planning, Inc. In the Complaint filed in the Superior Court of the District of Columbia by Roesing and Campaign Planning, Inc., plaintiffs attempt to state a cause of action for breach of contract placing their total reliance on a non-existent contract. The complaint states that after the terms of "the contract" were negotiated, Mr. Roesing reduced "the contract" to writing and mailed it to Mrs. Allen for her signature. In fact, what was sent was only a proposed "draft" which was never agreed on or consummated. (See copy of Roesing's letter of April 2, 1984.) The Complaint contains no allegation that the alleged contract was ever signed by Mrs. Allen or by the Committee. Indeed, the copy of the contract attached to the complaint bears no signatures. We have confirmed in a March 5 telephone conversation with Mr. Swillinger that he does not have any contract executed by Marjorie Powell Allen or the Committee. In fact, no written contract exists contrary to the tenure of his February 19 letter and the Complaint filed in the District.

The reporting provisions of the Federal Election Campaign Act of 1971 as amended (the "Act"), 2 U.S.C. §434(8), require that reports filed with the Commission include "the amount and nature of outstanding debts and obligations owed" by the Committee. Administrative Opinion 1976-85 (§5223), defines outstanding debts to include expenditures. In 1976 when A.O. 1976-85 was issued, expenditure was defined as an express or implied contract or agreement to make expenditure, whether or not legally enforceable. However, with the 1976 amendments to the Act, expenditure is now redefined as "a written contract, promise, or agreement to make an expenditure." 2 U.S.C. §431(9)(A)(1985). The substantive change, since 1976, was to require a written, legally enforceable contract, promise or agreement. No such written contract, promise or agreement exists here, and therefore we believe there is and was no obligation to report the disputed amount.

R 7 0 4 0 3 1 8 9 4

March 10, 1986  
Page Three

Without a written contract, the disputed amount which is the basis for the D.C. Complaint and the alleged "violation" is not an expenditure within the definition under the Act and therefore does not fall within the reporting requirements of the Act. Therefore, we submit the Committee has not failed to report a debt as required by the Act and is not in violation.

Very truly yours,

SMITH; GILL, FISHER & BUTTS  
INCORPORATED

H. Fred Northcraft

HFN:jif

87040634885

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

April 2, 1984

**William F. Boering**  
**President**

Mrs. Marjorie P. Allen  
Allen for Congress  
8100 Marty  
Overland Park, KS 66204

Dear Marjorie,

Enclosed please find two copies of a draft memorandum of agreement outlining the terms of our proposed relationship.

Please feel free to amend, adjust or comment. I look forward to hearing from you and getting together soon.

Warm regards,

*Bill*

Enclosure

87040634886

2146

Rec 3-17  
GCC# 9998

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

98 MAR 17

JOSEPH L. HIERSTEINER  
OWEN K. BALL, JR.  
PAUL H. BLESSING  
LARRY D. BECK  
D. BRADFORD JOHNSON  
SHEILA JANICKE  
W. WOODY SCHLOSSER  
GREGORY D. KINCAID  
JULIE S. FRICKLETON  
MARG L. RUMMERLEIN  
STEVEN L. RIST  
FRANK W. LIPSMAN  
BRIAN S. O'NEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERKE  
CHARLES W. GORDON, JR.

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. WELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
B. JOHN READEY, III  
RICHARD A. KING  
THADDEUS M. KRAMAR  
SHARON A. COONEY  
IRVIN V. BELZER

March 14, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: Marjorie Powell Allen For Congress Committee  
FEC I.D. No. C00181453  
110469

98 MAR 17 5:55

RECEIVED  
GENERAL COUNSEL

Dear Madam Chairperson:

Enclosed is a copy of our March 10, 1986 letter directed to you which did not contain an FEC identification number. Our files disclose two FEC identification numbers used in connection with the Marjorie Powell Allen For Congress Committee, and they are listed above so that the letter can be properly indexed in your files.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By

*H. Fred Northcraft*  
H. Fred Northcraft

HFN:jlf

Enclosure

87040634887

March 10, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairperson:

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2. The invoices in question were not paid because the Committee believes no further sums are due and advised both Mr. Roesing and his counsel that the amounts sought were disputed.

3. Mrs. Allen did not make any settlement offer. The Committee, through its counsel, made the settlement offer, not because it thought any sums were due but because the Committee wanted to dispose of the matter. The wording of my July 30 letter furnished to the FEC by Swillinger states "The Committee is willing to pay \$9,200."

87040531838

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March 10, 1986  
Page Three

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Very truly yours,

SMITH, GILL, FISHER & BUTTS  
INCORPORATED

H. Fred Northcraft

HFN:jif

87040634890

2196 Jan

Rec Aikens  
3-12-86  
GCC# 9966

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**

INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

KANSAS CITY, MISSOURI 64108

(816) 474-7400

CABLE "SMITHLAW"

EDWARD A. SMITH  
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CHARLES A. ETHERINGTON  
THOMAS A. GERKE  
CHARLES W. GORDON, JR.

March 10, 1986

The Honorable Joan D. Aikens  
Chairperson  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

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OFFICE OF THE  
GENERAL COUNSEL

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COMPTROLLER OF THE  
TREASURY

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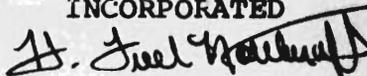
87040634892

March 10, 1986  
Page Three

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Very truly yours,

SMITH, GILL, FISHER & BUTTS  
INCORPORATED



H. Fred Northcraft

HFN:jif

87040534893

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

April 2, 1984

William F. Boering  
President

Mrs. Marjorie P. Allen  
Allen for Congress  
8100 Marty  
Overland Park, KS 66204

Dear Marjorie,

Enclosed please find two copies of a draft memorandum of agreement outlining the terms of our proposed relationship.

Please feel free to amend, adjust or comment. I look forward to hearing from you and getting together soon.

Warm regards,

*Bill*

Enclosure

87040634894



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

MEMORANDUM TO: THE COMMISSION  
FROM: MARJORIE W. EMMONS/ ARNITA D. HESSION *a.H.*  
DATE: FEBRUARY 25, 1986  
SUBJECT: MUR 2146 - Complaint

The attached has been circulated for your  
information.

87040534995

Attachment

LAW OFFICES OF  
**DAVIS AND GOOCH**  
920 PENNSYLVANIA AVENUE, S.E.  
WASHINGTON, D.C. 20003  
(202) 543-3800

MUR 2146  
RECEIVED  
OFFICE OF THE REC  
COMMISSION SECRETARY  
**SENSITIVE**

RAYMOND L. GOOCH •  
WILLIAM E. DAVIS •

DANIEL J. SWILLINGER  
OF COUNSEL

• ALSO MEMBER VERMONT BAR  
• ALSO MEMBER MASSACHUSETTS & NORTH CAROLINA BARS

00 FEB 25 12:06

February 19, 1986

The Honorable Joan D. Aikens  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairman,

I am filing this complaint, on behalf of Campaign Planning, Inc., against Marjorie Powell Allen, the Allen for Congress Committee, and its treasurer, Charles W. (Tod) Haren, Jr. Statements herein are made upon information and belief.

Background

Mrs. Allen was an unsuccessful candidate for the U.S. House of Representatives in the Republican primary in the 3rd District of Kansas in 1984, finishing fourth in a field of five. The Allen for Congress Committee was designated as her principal campaign committee; Charles W. Haren, Jr. was designated as the committee's treasurer. (All of the disclosure reports filed with the Commission are signed "Tod" Haren; I have reason to believe that Charles W. Haren, Jr. and Tod Haren are the same person.)

On or about April 1, 1984, Mrs. Allen entered into a contract with Campaign Planning, Inc., a District of Columbia corporation, in which Campaign Planning agreed to provide planning, political consulting, and advertising production services to Mrs. Allen and her campaign.

From April into August, 1984, the Allen Committee paid Campaign Planning approximately \$62,000 in fees and reimbursement for expenses.

However, since late July, 1984, Mrs. Allen has failed to pay four separate invoices, totaling \$13,862.54, for radio and television advertising production costs, and for related travel and other incidental expenses. (Copies of invoices attached.) These invoices have been repeatedly sent to Mrs. Allen, most recently in February, 1986. (Copy attached.)

Mrs. Allen has never denied that the invoices were accurate, or that the expenses were not authorized. Indeed, all of the television, and most of the radio, commercials were aired during the campaign. All were prepared at her express direction. She appeared in some of the TV ads.

87040634896

Chairman Aikens  
Page Two

None of the invoices have been paid. They are in dispute, because Mrs. Allen believes that she did not receive full value for the consulting services which were provided to her, and believes that therefore she may offset this against the outstanding invoices.

She has offered to settle the \$13,862 for \$9200, in a letter from her lawyer dated July 30, 1985. (Copy attached.) This offer was rejected by me for Campaign Planning in October, 1985 in a telephone conversation with Mrs. Allen's lawyer.

Campaign Planning has filed suit in the Superior Court of the District of Columbia to recover the \$13,862, plus another \$4000 in consulting fees due under the contract.

The Violation

The Committee has failed to report this debt owed by the Committee to Campaign Planning, as required by 2 U.S.C Sec. 434 and 11 CFR Sec. 104.11. The debt has not been disclosed on the committee's October, 1984 quarterly report, its 1984 year-end report, its 1985 mid-year report or its 1985 year-end report. Campaign Planning believes this to be a knowing and willful violation of the Act, and that criminal penalties should be considered by the Commission.

The Commission should note that all other corporate and non-corporate vendors have been paid in full, making it possibly unlawful for Campaign Planning, as a corporation, to accept a settlement offer of half the amount actually owed.

Finally, Campaign Planning believes that this is a situation for which the candidate bears special responsibility. Of the approximately \$450,000 spent by the Allen committee, Mrs. Allen provided \$350,000 of it. The committee is indistinguishable financially from her. Her lawyer has conducted the negotiations; Mrs. Allen, not the committee's treasurer, disputes the value of the services rendered. If the settlement offer had been accepted, she would have written the check. We suggest to the Commission that Mrs. Allen's actions related to these repeated violations of the Act bear close scrutiny.

Please contact me if I can provide additional information.

Sincerely,



Daniel J. Swillinger

Attachments - as stated

87040634997

DAVIS AND GOOCH

Chairman Aikens  
Page Three

WASHINGTON, DISTRICT OF COLUMBIA:

Subscribed and sworn before me this 20<sup>th</sup> day of February,  
1986.

*Patricia J. Linsbeck*  
Patricia Linsbeck, Notary Public

My Commission Expires January 8, 1987

870440534898

**CAMPAIGN PLANNING INC.**

5300 Ridgefield Road  
Bethesda, Maryland 20816  
(301) 657-1727

**WILLIAM P. ROESING**  
President

**S T A T E M E N T**

To: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prarie Village, Kansas 66206

Date: February 1. 1986

<u>CPI#</u>	<u>Item</u>	<u>Amount</u>
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.68
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	Interest 9/26	247.86
	Interest 10/26	251.58
	Interest 11/26	255.35
	Interest 12/26	259.18
	Interest 1/26	263.07
	<b>TOTAL DUE</b>	<u><b>\$17,801.10</b></u>

8704034999

CAMPAIGN PLANNING INC.

5300 Ridgely Road  
Bethesda, Maryland 20816  
(301) 657-1727

WILLIAM F. ROESING  
President

STATEMENT

TO: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prairie Village, Kansas  
66208

DATE: September 1, 1985

CPII	Item	Amount
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.09
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.60
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	<b>TOTAL DUE</b>	<b><u>\$16,524.06</u></b>

87040534900

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: MARJORIE POWELL ALLEN  
30 Le-Mans Court  
Prarie Village, KS 66208

DATE: September 27, 1984  
CPI #: 399

<u>Item</u>	<u>Amount</u>
<u>EXPENSES - August</u>	
<u>Travel</u>	
7/28 Breakfast	8.55
Parking at Airport	12.00
<u>Delivery</u>	45.50
<u>Telephone</u>	39.84
<b>TOTAL DUE UPON RECEIPT</b>	<u><b>\$105.89</b></u>

87040534901

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: AUGUST 17, 1984  
CPI #: 372

Item	Amount
Radio Spot Production (8/2)	577.94
Delivery of Radio Spot	57.25
<u>Travel</u>	
Roundtrip Airfare 8/7	260.00
Taxi to Airport	12.00
Taxi return trip	7.50
Hotel	47.87
<u>Telephone</u>	
July	259.96
<u>Delivery</u>	75.75
<b>TOTAL DUE UPON RECEIPT</b>	<b>\$1,298.27</b>

87040634902

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: ALLEN FOR CONGRESS

DATE: August 1, 1984

CPI #: 371

Item	Amount
<u>EXPENSES</u> July	
Delivery	22.75
RT Airfare 7/16	509.00
Hotel 7/28	64.68
RT Airfare 7/28	477.00
Final invoice for TV & Radio Production (See attached.)	<u>1,087.77</u>
TOTAL DUE UPON RECEIPT	<u><u>\$2,161.20</u></u>

87040634903

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Attn: Bill Reasing  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040534904

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/30/84	E4-07-111	MP Allen TV & Radio Spot	CAMPPLA	04882

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	radio production & dubs	205.31	205.31
1.00	radio prod DC & audio repair	25.38	25.38
1.00	radio dubs #603	155.63	155.63
1.00	radio prod. & dubs #604	195.94	195.94
1.00	narration services	175.20	175.20
4.00	1" dubs	22.00	88.00
.50	hrs. 1" editing	350.00	175.00
1.00	5 min. 3/4" cassette	17.00	17.00
1.00	Federal Express shipping	50.31	50.31

SUBTOTAL

TAX

TOTAL

1087.77

70209

.00

1087.77

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984  
CPI #: 361

Item	Amount
<u>EXPENSES</u> - July Radio & TV	
Preliminary bill for radio and television production (see attached)	\$9,353.05
Please pay this amount, you will be invoiced separatly for the remainder.	
TOTAL DUE UPON RECEIPT	<u>\$9,353.05</u>

87040634905

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-101	M. Allen Wave 2 TV & Radio	CAMPPLA	04817

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
6.00	hrs. 1" studio 1 cam (3hr. min)	300.00	1800.00
1.00	hrs. 1" shooting stock	135.00	135.00
1.00	make-up services	187.50	187.50
5.00	hrs. 1" editing	350.00	1750.00
2.00	hrs. ADO both channels	450.00	900.00
2.00	hrs. ADO extended channel	300.00	600.00
3.50	hrs. on line camera	150.00	525.00
1.00	1" master stock (minimum)	25.00	25.00
1.00	protection master (minimum)	20.00	20.00
2.00	TV narrator (2 spots)	656.38	1312.76
1.00	beta cassettes	15.00	15.00
1.00	5 min. 3/4" cassette	17.00	17.00
4.00	1" dubs	26.00	104.00
2.00	narrator radio (2 spots)	160.03	320.06
1.00	radio production & dubs	380.31	380.31
2.00	shipping & deliveries	37.50	75.00

SUBTOTAL	TAX	TOTAL
8166.63	70209 .00	8166.63

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

8704034906

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-864-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-111	HP Allen TV & Radio Spot	CAMPPLA	04816
QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT	
1.00	narration record-Kansas City	85.24	85.24	
1.00	radio prod DC & audio repair	495.56	495.56	
1.00	TV 1 spot	328.19	328.19	
.25	audio strip & layback	350.00	87.50	
1.00	radio talent, tag	159.30	159.30	
1.00	Fed Exp to Kansas City	15.63	15.63	
5.00	min. 1/2" audio stock	3.00	15.00	

Bills to Follow:  
narrator 1 tag radio  
TV dubs  
radio dubs  
shipping

SUBTOTAL	TAX	TOTAL
1186.42	70209 .00	1186.42

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days up to the final day of each month.

87040534907

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984  
CPI #: 360

Item	Amount
<b>EXPENSES - July</b>	
<b>Travel</b>	<b>\$783.86</b>
Holiday Inn 6/11	46.05
Roundtrip Air 6/11	221.00
Regency Park 6/28	85.14
Roundtrip Air 6/28	384.00
Cabfare 6/28	10.00
Cabfare 6/29	10.00
Lunch 7/9	21.67
Parking at National Airport 7/16	6.00
<b>Telephone</b>	<b>160.27</b>
June telephone expense	
<b>TOTAL DUE UPON RECEIPT</b>	<b>\$944.13</b>

87040534908

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**

INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING

KANSAS CITY, MISSOURI 64106

(816) 474-7400

CABLE "SMITHLAW"

July 30, 1985

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
S. JOHN READEY, III  
RICHARD A. KING  
THADDEUS N. KRAMAR  
SHARON A. COONEY

IRVIN V. SELZER  
JOSEPH L. HIRSHSTEINER  
OWEN H. BALL, JR.  
ANNE H. BLESSING  
LARRY D. IRICK  
D. BRADFORD JOHNSON  
SHEILA JANICKE  
W. WOODY SCHLOSSER  
JULIE C. FRICKLETON  
MARC L. KUEHMERLEIN  
STEVEN L. RIST  
FRANK W. LIPSHAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON

Mr. William P. Roesing  
Campaign Planning, Inc.  
5300 Ridgefield Road  
Bethesda, Maryland 20816

Re: Marjorie Allen's Campaign Committee  
Disputed Final Statement

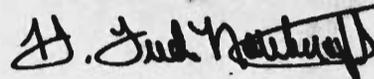
Dear Mr. Roesing:

You will recall that some time ago we discussed the possible compromise of the captioned matter. In an effort to settle your claim the Committee is willing to pay \$9,200. If this is satisfactory, please let me know and I will see that a check is forwarded to you by return mail.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:ms

87040534909

LAW OFFICES OF  
**DAVIS AND GOOCH**  
890 PENNSYLVANIA AVENUE, S.E.  
WASHINGTON, D. C. 20003  
(202) 843-3600

MUR 2146  
RECEIVED  
OFFICE OF THE SEC  
COMMISSIONER SECRETARY  
**SENSITIVE**

DANIEL J. SWILLINOR  
OF COUNSEL

RAYMOND L. GOOCH \*  
WILLIAM E. DAVIS \*

\* ALSO MEMBER VERMONT BAR  
\* AND SENIOR COUNSEL & FORMER COUNSELOR GEN.

88 FEB 25 12:06

February 19, 1986

The Honorable Joan D. Aikens  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairman,

I am filing this complaint, on behalf of Campaign Planning, Inc., against Marjorie Powell Allen, the Allen for Congress Committee, and its treasurer, Charles W. (Tod) Haren, Jr. Statements herein are made upon information and belief.

Background

Mrs. Allen was an unsuccessful candidate for the U.S. House of Representatives in the Republican primary in the 3rd District of Kansas in 1984, finishing fourth in a field of five. The Allen for Congress Committee was designated as her principal campaign committee; Charles W. Haren, Jr. was designated as the committee's treasurer. (All of the disclosure reports filed with the Commission are signed "Tod" Haren; I have reason to believe that Charles W. Haren, Jr. and Tod Haren are the same person.)

On or about April 1, 1984, Mrs. Allen entered into a contract with Campaign Planning, Inc., a District of Columbia corporation, in which Campaign Planning agreed to provide planning, political consulting, and advertising production services to Mrs. Allen and her campaign.

From April into August, 1984, the Allen Committee paid Campaign Planning approximately \$62,000 in fees and reimbursement for expenses.

However, since late July, 1984, Mrs. Allen has failed to pay four separate invoices, totaling \$13,862.54, for radio and television advertising production costs, and for related travel and other incidental expenses. (Copies of invoices attached.) These invoices have been repeatedly sent to Mrs. Allen, most recently in February, 1986. (Copy attached.)

Mrs. Allen has never denied that the invoices were accurate, or that the expenses were not authorized. Indeed, all of the television, and most of the radio, commercials were aired during the campaign. All were prepared at her express direction. She appeared in some of the TV ads.

87040534910



DAVIS AND GOOCH

Chairman Aikens  
Page Three

WASHINGTON, DISTRICT OF COLUMBIA:

Subscribed and sworn before me this 20<sup>th</sup> day of February,  
1986.

*Patricia G. Linsbeck*  
Patricia Linsbeck, Notary Public

My Commission Expires January 8, 1987

87040534912

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Chairman Aikens  
Page Two

None of the invoices have been paid. They are in dispute, because Mrs. Allen believes that she did not receive full value for the consulting services which were provided to her, and believes that therefore she may offset this against the outstanding invoices.

She has offered to settle the \$13,862 for \$9200, in a letter from her lawyer dated July 30, 1985. (Copy attached.) This offer was rejected by me for Campaign Planning in October, 1985 in a telephone conversation with Mrs. Allen's lawyer.

Campaign Planning has filed suit in the Superior Court of the District of Columbia to recover the \$13,862, plus another \$4000 in consulting fees due under the contract.

The Violation

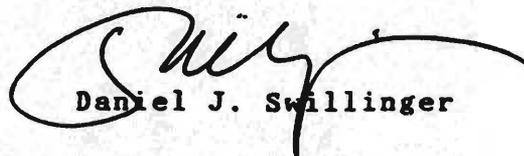
The Committee has failed to report this debt owed by the Committee to Campaign Planning, as required by 2 U.S.C Sec. 434 and 11 CFR Sec. 104.11. The debt has not been disclosed on the committee's October, 1984 quarterly report, its 1984 year-end report, its 1985 mid-year report or its 1985 year-end report. Campaign Planning believes this to be a knowing and willful violation of the Act, and that criminal penalties should be considered by the Commission.

The Commission should note that all other corporate and non-corporate vendors have been paid in full, making it possibly unlawful for Campaign Planning, as a corporation, to accept a settlement offer of half the amount actually owed.

Finally, Campaign Planning believes that this is a situation for which the candidate bears special responsibility. Of the approximately \$450,000 spent by the Allen committee, Mrs. Allen provided \$350,000 of it. The committee is indistinguishable financially from her. Her lawyer has conducted the negotiations; Mrs. Allen, not the committee's treasurer, disputes the value of the services rendered. If the settlement offer had been accepted, she would have written the check. We suggest to the Commission that Mrs. Allen's actions related to these repeated violations of the Act bear close scrutiny.

Please contact me if I can provide additional information.

Sincerely,

  
Daniel J. Swillinger

Attachments - as stated

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**CAMPAIGN PLANNING INC.**

5300 Ridgfield Road  
Bethesda, Maryland 20816  
(301) 657-1727

**WILLIAM P. ROESING**  
President

**S T A T E M E N T**

To: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prarie Village, Kansas 66206

Date: February 1. 1986

<u>CPI#</u>	<u>Item</u>	<u>Amount</u>
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.68
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	Interest 9/26	247.86
	Interest 10/26	251.58
	Interest 11/26	255.35
	Interest 12/26	259.18
	Interest 1/26	263.07
	<b>TOTAL DUE</b>	<u><b>\$17,801.10</b></u>

87040634914

CAMPAIGN PLANNING INC.

5300 Ridgely Road  
Bethesda, Maryland 20816  
(301) 657-1727

WILLIAM P. ROESING  
President

STATEMENT

TO: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prairie Village, Kansas  
66208

DATE: September 1, 1985

CPII	Item	Amount
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.68
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	TOTAL DUE	<u>\$16,524.06</u>

87040534915

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

TO: MARJORIE POWELL ALLEN  
30 Le-Mans Court  
Prarie Village, KS 66208

DATE: September 27, 1984  
CPI #: 399

Item	Amount
<u>EXPENSES - August</u>	
<u>Travel</u>	
7/28 Breakfast	8.55
Parking at Airport	12.00
<u>Delivery</u>	45.50
<u>Telephone</u>	39.84
<b>TOTAL DUE UPON RECEIPT</b>	<b><u>\$105.89</u></b>

87040534916

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: AUGUST 17, 1984  
CPI #: 372

<u>Item</u>	<u>Amount</u>
Radio Spot Production (8/2)	577.94
Delivery of Radio Spot	57.25
<u>Travel</u>	
Roundtrip Airfare 8/7	260.00
Taxi to Airport	12.00
Taxi return trip	7.50
Hotel	47.87
<u>Telephone</u>	
July	259.96
<u>Delivery</u>	75.75
	<hr/>
TOTAL DUE UPON RECEIPT	\$1,298.27

87040534917

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

TO: ALLEN FOR CONGRESS

DATE: August 1, 1984

CPI #: 371

<u>Item</u>	<u>Amount</u>
<u>EXPENSES</u> July	
Delivery	22.75
RT Airfare 7/16	509.00
Hotel 7/28	64.68
RT Airfare 7/28	477.00
Final invoice for TV & Radio Production (See attached.)	<u>1,087.77</u>
TOTAL DUE UPON RECEIPT	<u><u>\$2,161.20</u></u>

87040634918

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Attn: Bill Roosing  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/30/84	E4-07-111	MP Allen TV & Radio Spot	CAMPPLA	04882

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	radio production & dubs	205.31	205.31
1.00	radio prod DC & audio repair	25.38	25.38
1.00	radio dubs #603	155.63	155.63
1.00	radio prod. & dubs #604	195.94	195.94
1.00	narration services	175.20	175.20
4.00	1" dubs	22.00	88.00
.50	hrs. 1" editing	350.00	175.00
1.00	5 min. 3/4" cassette	17.00	17.00
1.00	Federal Express shipping	50.31	50.31

SUBTOTAL	TAX		TOTAL
1087.77	70209	.00	1087.77

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 70 days old on the stated date.

87040534919

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984

CPI #: 361

Item	Amount
<u>EXPENSES</u> - July Radio & TV	
Preliminary bill for radio and television production (see attached)	\$9,353.05
Please pay this amount, you will be invoiced separatly for the remainder.	
<b>TOTAL DUE UPON RECEIPT</b>	<u><u>\$9,353.05</u></u>

87040534920

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

DATE            JOB NUMBER      JOB DESCRIPTION                    CUSTOMER ID      INVOICE NO.  
-----  
07/19/84 E4-07-101 M. Allen Wave 2 TV & Radio      CAMPPLA          04817

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
6.00	hrs. 1" studio 1 cam (3hr. min)	300.00	1800.00
1.00	hrs. 1" shooting stock	135.00	135.00
1.00	make-up services	187.50	187.50
5.00	hrs. 1" editing	350.00	1750.00
2.00	hrs. ADO both channels	450.00	900.00
2.00	hrs. ADO extended channel	300.00	600.00
3.50	hrs. on line camera	150.00	525.00
1.00	1" master stock (minimum)	25.00	25.00
1.00	protection master (minimum)	20.00	20.00
2.00	TV narrator (2 spots)	656.38	1312.76
1.00	beta cassettes	15.00	15.00
1.00	5 min. 3/4" cassette	17.00	17.00
4.00	1" dubs	26.00	104.00
2.00	narrator radio (2 spots)	160.03	320.06
1.00	radio production & dubs	380.31	380.31
2.00	shipping & deliveries	37.50	75.00

SUBTOTAL

TAX

TOTAL

8166.63

70209

.00

8166.63

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

87040534921

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-864-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040534922

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-111	MP Allen TV & Radio Spot	CAMPPLA	04816

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	narration record-Kansas City	85.24	85.24
1.00	radio prod DC & audio repair	495.56	495.56
1.00	TV 1 spot	328.19	328.19
.25	audio strip & layback	350.00	87.50
1.00	radio talent, tag	159.30	159.30
1.00	Fed Exp to Kansas City	15.63	15.63
5.00	min. 1/2" audio stock	3.00	15.00

Bills to Follow:  
narrator 1 tag radio  
TV-dubs  
radio dubs  
shipping

SUBTOTAL	TAX	TOTAL
1186.42	70209 .00	1186.42

Texas: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old as the date of this invoice.

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984  
CPI #: 360

Item	Amount
<u>EXPENSES - July</u>	
Travel	\$783.86
Holiday Inn 6/11 46.05	
Roundtrip Air 6/11 221.00	
Regency Park 6/28 85.14	
Roundtrip Air 6/28 384.00	
Cabfare 6/28 10.00	
Cabfare 6/29 10.00	
Lunch 7/9 21.67	
Parking at National Airport 7/16 6.00	
Telephone	160.27
June telephone expense	
<b>TOTAL DUE UPONE RECEIPT</b>	<u><u>\$944.13</u></u>

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LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
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JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. GAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
S. JOHN READEY, III  
RICHARD A. KING  
THADDEUS M. KRAMAR  
SHARON A. COONEY

IRVIN V. BELZER  
JOSEPH L. HIERSTEINER  
OWEN R. BALL, JR.  
ANNE H. BLESSING  
LARRY S. RECK  
S. BRADFORD JOHNSON  
SHEILA JANENE  
W. WOODY SCHLESSEN  
JULIE G. FRIELEYTON  
MARC L. KUENNERLEN  
STEVEN L. RAY  
FRANK W. LIPMAN  
BRAN S. O'HEARNE  
CHARLES A. ETHERINGTON

July 30, 1985

Mr. William P. Roesing  
Campaign Planning, Inc.  
5300 Ridgefield Road  
Bethesda, Maryland 20816

Re: Marjorie Allen's Campaign Committee  
Disputed Final Statement

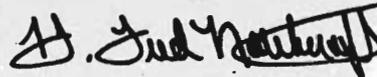
Dear Mr. Roesing:

You will recall that some time ago we discussed the possible compromise of the captioned matter. In an effort to settle your claim the Committee is willing to pay \$9,200. If this is satisfactory, please let me know and I will see that a check is forwarded to you by return mail.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:ms

87040634924

*see Aikens office*  
2-21-86

RECEIVED AT THE FEC  
8004 9801

**HAND DELIVERED**

86 FEB 21 11:18

LAW OFFICES OF  
**DAVIS AND GOOCH**  
920 PENNSYLVANIA AVENUE, N.E.  
WASHINGTON, D. C. 20003  
OFFICE OF THE FEDERAL ELECTION COMMISSION SECRETARY

(202) 543-3800

86 FEB 21 P 5:10

DANIEL J. WILLINGOR  
OF COUNSEL

RAYMOND L. GOOCH  
WILLIAM E. DAVIS

\* ALSO MEMBER VICTORIA BAR  
\* ALSO MEMBER HAWAIIAN & NORTH CAROLINA BAR

February 19, 1986

The Honorable Joan D. Aikens  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Dear Madam Chairman,

I am filing this complaint, on behalf of Campaign Planning, Inc., against Marjorie Powell Allen, the Allen for Congress Committee, and its treasurer, Charles W. (Tod) Haren, Jr. Statements herein are made upon information and belief.

Background

Mrs. Allen was an unsuccessful candidate for the U.S. House of Representatives in the Republican primary in the 3rd District of Kansas in 1984, finishing fourth in a field of five. The Allen for Congress Committee was designated as her principal campaign committee; Charles W. Haren, Jr. was designated as the committee's treasurer. (All of the disclosure reports filed with the Commission are signed "Tod" Haren; I have reason to believe that Charles W. Haren, Jr. and Tod Haren are the same person.)

On or about April 1, 1984, Mrs. Allen entered into a contract with Campaign Planning, Inc., a District of Columbia corporation, in which Campaign Planning agreed to provide planning, political consulting, and advertising production services to Mrs. Allen and her campaign.

From April into August, 1984, the Allen Committee paid Campaign Planning approximately \$62,000 in fees and reimbursement for expenses.

However, since late July, 1984, Mrs. Allen has failed to pay four separate invoices, totaling \$13,862.54, for radio and television advertising production costs, and for related travel and other incidental expenses. (Copies of invoices attached.) These invoices have been repeatedly sent to Mrs. Allen, most recently in February, 1986. (Copy attached.)

Mrs. Allen has never denied that the invoices were accurate, or that the expenses were not authorized. Indeed, all of the television, and most of the radio, commercials were aired during the campaign. All were prepared at her express direction. She appeared in some of the TV ads.

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GENERAL COUNSEL

DAVIS AND GOOCH

Chairman Aikens  
Page Two

None of the invoices have been paid. They are in dispute, because Mrs. Allen believes that she did not receive full value for the consulting services which were provided to her, and believes that therefore she may offset this against the outstanding invoices.

She has offered to settle the \$13,862 for \$9200, in a letter from her lawyer dated July 30, 1985. (Copy attached.) This offer was rejected by me for Campaign Planning in October, 1985 in a telephone conversation with Mrs. Allen's lawyer.

Campaign Planning has filed suit in the Superior Court of the District of Columbia to recover the \$13,862, plus another \$4000 in consulting fees due under the contract.

The Violation

The Committee has failed to report this debt owed by the Committee to Campaign Planning, as required by 2 U.S.C Sec. 434 and 11 CFR Sec. 104.11. The debt has not been disclosed on the committee's October, 1984 quarterly report, its 1984 year-end report, its 1985 mid-year report or its 1985 year-end report. Campaign Planning believes this to be a knowing and willful violation of the Act, and that criminal penalties should be considered by the Commission.

The Commission should note that all other corporate and non-corporate vendors have been paid in full, making it possibly unlawful for Campaign Planning, as a corporation, to accept a settlement offer of half the amount actually owed.

Finally, Campaign Planning believes that this is a situation for which the candidate bears special responsibility. Of the approximately \$450,000 spent by the Allen committee, Mrs. Allen provided \$350,000 of it. The committee is indistinguishable financially from her. Her lawyer has conducted the negotiations; Mrs. Allen, not the committee's treasurer, disputes the value of the services rendered. If the settlement offer had been accepted, she would have written the check. We suggest to the Commission that Mrs. Allen's actions related to these repeated violations of the Act bear close scrutiny.

Please contact me if I can provide additional information.

Sincerely,

  
Daniel J. Swallinger

Attachments - as stated

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DAVIS AND GOOCH

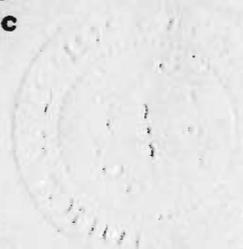
Chairman Aikens  
Page Three

WASHINGTON, DISTRICT OF COLUMBIA:

Subscribed and sworn before me this 20<sup>th</sup> day of February,  
1986.

*Patricia J. Linsbeck*  
Patricia Linsbeck, Notary Public

My Commission Expires January 3, 1987



87040534927

**CAMPAIGN PLANNING INC.**

5300 Ridgefield Road  
Bethesda, Maryland 20816  
(301) 657-1727

**WILLIAM P. BOESING**  
President

**S T A T E M E N T**

To: **Marjorie Powell Allen**  
**ALLEN FOR CONGRESS**  
**30 Le Mans Court**  
**Prarie Village, Kansas 66206**

Date: **February 1, 1986**

<u>CPI#</u>	<u>Item</u>	<u>Amount</u>
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,298.27
399	Expenses 9/27	105.89
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	223.23
	Interest 3/26	226.68
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	Interest 9/26	247.86
	Interest 10/26	251.58
	Interest 11/26	255.35
	Interest 12/26	259.18
	Interest 1/26	263.07
	<b>TOTAL DUE</b>	<b><u>\$17,801.10</u></b>

87040534928

CAMPAIGN PLANNING INC.

5300 Ridgely Road  
Bethesda, Maryland 20816  
(301) 657-1727

WILLIAM P. ROESING  
President

STATEMENT

TO: Marjorie Powell Allen  
ALLEN FOR CONGRESS  
30 Le Mans Court  
Prairie Village, Kansas  
66208

DATE: September 1, 1985

<u>CPII</u>	<u>Item</u>	<u>Amount</u>
360	Expenses 7/26	\$944.13
361	Expenses Radio & TV	9,353.05
371	Expenses 8/1	2,161.20
372	Expenses 8/17	1,296.27
399	Expenses 9/27	105.09
	Interest 9/27	165.28
	Interest 10/25	210.42
	Interest 11/26	213.57
	Interest 12/26	216.78
	Interest 1/26	220.03
	Interest 2/26	225.23
	Interest 3/26	226.60
	Interest 4/26	230.08
	Interest 5/26	233.53
	Interest 6/26	237.03
	Interest 7/26	240.59
	Interest 8/26	244.20
	TOTAL DUE	<u>\$16,524.06</u>

87040534929

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: MARJORIE POWELL ALLEN  
30 Le-Mans Court  
Prarie Village, KS 66208

DATE: September 27, 1984  
CPI #: 399

Item	Amount
<u>EXPENSES - August</u>	
<u>Travel</u>	
7/28 Breakfast	8.55
Parking at Airport	12.00
<u>Delivery</u>	45.50
<u>Telephone</u>	39.84
TOTAL DUE UPON RECEIPT	<u>\$105.89</u>

87040534930

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: AUGUST 17, 1984

CPI #: 372

<u>Item</u>	<u>Amount</u>
Radio Spot Production (8/2)	577.94
Delivery of Radio Spot	57.25
<u>Travel</u>	
Roundtrip Airfare 8/7	260.00
Taxi to Airport	12.00
Taxi return trip	7.50
Hotel	47.87
<u>Telephone</u>	
July	259.96
<u>Delivery</u>	75.75
	<hr/>
TOTAL DUE UPON RECEIPT	\$1,298.27

87040634931

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

TO: ALLEN FOR CONGRESS

DATE: August 1, 1984

CPI #: 371

<u>Item</u>	<u>Amount</u>
<u>EXPENSES</u> July	
Delivery	22.75
RT Airfare 7/16	589.00
Hotel 7/28	64.68
RT Airfare 7/28	477.00
Final invoice for TV & Radio Production (See attached.)	<u>1,087.77</u>
TOTAL DUE UPON RECEIPT	<u><u>\$2,161.20</u></u>

87040634932

# interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Attn: Bill Roesing  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040634933

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/30/84	E4-07-111	MP Allen TV & Radio Spot	CAMPPLA	04882

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	radio production & dubs	205.31	205.31
1.00	radio prod DC & audio repair	25.38	25.38
1.00	radio dubs #603	155.63	155.63
1.00	radio prod. & dubs #604	195.94	195.94
1.00	narration services	175.20	175.20
4.00	1" dubs	22.00	88.00
.50	hrs. 1" editing	350.00	175.00
1.00	5 min. 3/4" cassette	17.00	17.00
1.00	Federal Express shipping	50.31	50.31

SUBTOTAL	TAX	TOTAL
1087.77	70209 .00	1087.77

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

I N V O I C E

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984

CPI #: 361

Item	Amount
<u>EXPENSES</u> - July Radio & TV	
Preliminary bill for radio and television production (see attached)	\$9,353.05
Please pay this amount, you will be invoiced separatly for the remainder.	
TOTAL DUE UPON RECEIPT	<u><u>\$9,353.05</u></u>

87040534934

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040534935

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-101	M. Allen Wave 2 TV & Radio	CAMPPLA	04817

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
6.00	hrs. 1" studio 1 cam (3hr. min)	300.00	1800.00
1.00	hrs. 1" shooting stock	135.00	135.00
1.00	make-up services	187.50	187.50
5.00	hrs. 1" editing	350.00	1750.00
2.00	hrs. ADD both channels	450.00	900.00
2.00	hrs. ADD extended channel	300.00	600.00
3.50	hrs. on line camera	150.00	525.00
1.00	1" master stock (minimum)	25.00	25.00
1.00	protection master (minimum)	20.00	20.00
2.00	TV narrator (2 spots)	656.38	1312.76
1.00	beta cassettes	15.00	15.00
1.00	5 min. 3/4" cassette	17.00	17.00
4.00	1" dubs	26.00	104.00
2.00	narrator radio (2 spots)	160.03	320.06
1.00	radio production & dubs	380.31	380.31
2.00	shipping & deliveries	37.50	75.00

SUBTOTAL

TAX

TOTAL

8166.63

70209

.00

8166.63

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

# Interface

Interface Video Systems Inc.  
Suite LL 200, 1333 New Hampshire Ave., N.W., Washington, D.C. 20036  
(Tel.) 202-861-0500

CAMPAIGN PLANNING  
1201 F Street, NW  
Suite 305  
Washington, DC 20004

CUST JOB #:  
CUST PO #:

87040534936

DATE	JOB NUMBER	JOB DESCRIPTION	CUSTOMER ID	INVOICE NO.
07/19/84	E4-07-111	MP Alien TV & Radio Spot	CAMPPLA	04816

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	narration record-Kansas City	85.24	85.24
1.00	radio prod DC & audio repair	495.56	495.56
1.00	TV 1 spot	328.19	328.19
.25	audio strip & layback	350.00	87.50
1.00	radio talent, tag	159.30	159.30
1.00	Fed Exp to Kansas City	15.63	15.63
5.00	min. 1/2" audio stock	3.00	15.00

Bills to Follow:  
narrator 1 tag radio  
TV-dubs  
radio dubs  
shipping

SUBTOTAL	TAX		TOTAL
1186.42	70209	.00	1186.42

Terms: Net 15. A Service Charge of 1.5 % will be added to all accounts with any outstanding balance over 30 days old on the final day of each month.

CAMPAIGN PLANNING INC.  
1201 F Street, N.W. Suite 305  
Washington, D.C. 20005  
(202)628-0938

INVOICE

TO: Ms. Cindy Harris  
ALLEN FOR CONGRESS  
8100 Marty  
Overland Park, KS 66204

DATE: July 26, 1984  
CPI #: 360

Item	Amount
<b>EXPENSES - July</b>	
<b>Travel</b>	<b>\$783.86</b>
Holiday Inn 6/11 46.05	
Roundtrip Air 6/11 221.00	
Regency Park 6/28 85.14	
Roundtrip Air 6/28 384.00	
Cabfare 6/28 10.00	
Cabfare 6/29 10.00	
Lunch 7/9 21.67	
Parking at National Airport 7/16 6.00	
<b>Telephone</b>	<b>160.27</b>
June telephone expense	
<b>TOTAL DUE UPON RECEIPT</b>	<b>\$944.13</b>

87040534937

LAW OFFICES  
**SMITH, GILL, FISHER & BUTTS**  
INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
KANSAS CITY, MISSOURI 64106

(816) 474-7400  
CABLE "SMITHLAW"

July 30, 1985

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
H. FRED NORTHCRAFT  
JAMES E. KELLEY, JR.  
DAVID S. HOUSER  
BRUCE C. DAVIDSON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
S. JOHN READEY, III  
RICHARD A. KING  
THADDEUS M. KRANAR  
SHARON A. COONEY

IRVIN V. SELZER  
JOSEPH L. HIERSTEINER  
OWEN E. BALL, JR.  
ANNE H. BLESSING  
LARRY D. IRICK  
S. BRADFORD JOHNSON  
SHEILA JANICKE  
W. WOODY SCHLOSSER  
JULIE C. FRICKLETON  
MARC L. ISUMMERLEIN  
STEVEN L. RIST  
FRANK W. LIPSMAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON

Mr. William P. Roesing  
Campaign Planning, Inc.  
5300 Ridgfield Road  
Bethesda, Maryland 20816

Re: Marjorie Allen's Campaign Committee  
Disputed Final Statement

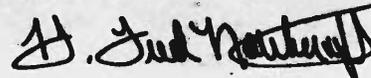
Dear Mr. Roesing:

You will recall that some time ago we discussed the possible compromise of the captioned matter. In an effort to settle your claim the Committee is willing to pay \$9,200. If this is satisfactory, please let me know and I will see that a check is forwarded to you by return mail.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:ms

87040634938



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20543

THIS IS THE BEGINNING OF FUR # 2146

Date Filmed 2/2/87 Camera No. --- 2

Cameraman AS

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2/13/87

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC FILE OF CLOSED MUR 2146.

37017541211



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 28, 1987

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Daniel J. Swillinger, Esquire  
Davis and Gooch  
920 Pennsylvania Avenue, S.E.  
Washington, D.C. 20003

Re: MUR 2146

Dear Mr. Swillinger:

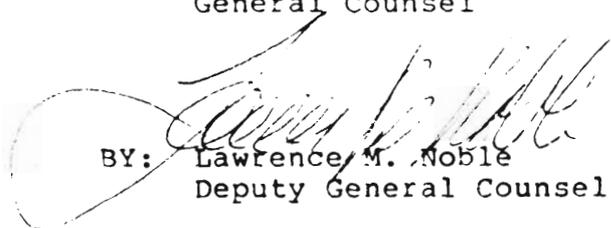
This is in reference to the complaint you filed with the Commission on February 21, 1986, on behalf of Campaign Planning, Inc. concerning the reporting of a disputed debt by the Allen for Congress Committee.

The Commission determined there was reason to believe that the Allen Committee and Charles W. Haren, Jr., treasurer, violated 2 U.S.C. § 434, a provision of the Federal Election Campaign Act of 1971, as amended and 11 C.F.R. § 104.11 and conducted an investigation in this matter. On December 11, 1986, a conciliation agreement signed by counsel for the respondents was accepted by the Commission, thereby concluding the matter. A copy of this agreement is enclosed for your information.

The file number in this matter is MUR 2146. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

37040642212

CCCA 2/12

87 JAN 2 49:49

LAW OFFICES  
SMITH, GILL, FISHER & BUTTS  
INCORPORATED

FOURTEENTH FLOOR COMMERCE TRUST BUILDING  
922 WALNUT STREET  
KANSAS CITY, MISSOURI 64108  
(816) 474-7400  
CABLE "SMITHLAW"

EDWARD A. SMITH  
THOMAS I. GILL  
G. ROBERT FISHER  
DAVID W. BUTTS  
WILLIAM G. LEVI  
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DAVID S. MOUBER  
BRUCE C. DAVISON  
KENDRICK T. WALLACE  
DAVID R. SCHLEE  
B. JOHN READEY, III  
RICHARD A. KING  
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SHARON A. COONEY  
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GREGORY D. KINCAID  
JULIE C. FRICKLETON  
MARC L. KUEMERLEIN  
MICHELE A. BONHAG  
JEFFERY L. GIBBS  
STEVEN L. RIST  
FRANK W. LIPSMAN  
BRIAN D. O'HEARNE  
CHARLES A. ETHERINGTON  
THOMAS A. GERKE  
CHARLES W. GORDON, JR.  
M. JAN DAY  
BRAD I. PEARSON  
STEVEN J. GRACE

RECEIVED  
FEB 11 1987

December 30, 1986

Ms. Shelly Garr  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: Allen For Congress Committee  
Charles W. Haren, Jr., Treasurer

Dear Ms. Garr:

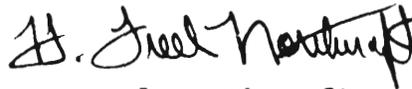
Pursuant to the Conciliation Agreement, enclosed is our check payable to the Treasurer of the United States in the amount of \$120.00 pursuant to your case styled MUR 2146.

I believe this completes all of our obligations under the agreement, and I once again thank you for your cooperation.

Very truly yours,

SMITH, GILL, FISHER & BUTTS INCORPORATED

By



H. Fred Northcraft

HFN:jlf

Enclosure

LAW OFFICES

SMITH, GILL, FISHER & BUTTS

INCORPORATED

FOURTEENTH FLOOR - INMERCER TRUST BLDG NO

402 WASHINGTON STREET

KANSAS CITY, MISSOURI 64111

Ms. Shelly Garr  
Federal Election Commission  
Washington, D.C. 20463

7 JAN 2 9 49