



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

THIS IS THE END OF MUR # 2340

DATE FILMED 6/15/87 CAMERA NO. 2

CAMERAMAN AS

87040550477

PUBLIC RECORD INDEX - MUR 2340

- 87040550473
1. Memo, dtd 5 Dec 86, John D. Gibson (Report Analysis Division) to Charles N. Steele, Subject: RAD Referral, Keels for Congress Committee.
  2. RAD Referral, dtd 5 Dec 86.
  3. First General Counsel's Report, dtd 27 Jan 87.
  4. Memo, dtd 28 Jan 87, Office of General Counsel to Office of the Commission Secretary, Subject: First General Counsel's Report.
  5. Memo, dtd 30 Jan 87, M.W. Emmons to C.N. Steele, Subject: Objections to First General Counsel's Report, signed 27 Jan 87.
  6. Certification of Commission Action, dtd 4 Feb 87.
  7. Ltr, dtd 11 Feb 87, Scott E. Thomas to Earl Foster, (Treas, Keels for Congress Committee).
  8. Memo, dtd 19 Mar 87, Lawrence M. Noble to The Commission, Subject: General Counsel's Brief - MUR 2340, attached.
  9. Memo dtd 19 Mar 87, OGC to OCS, Subject: General Counsel's Brief.
  10. Ltr, dtd 19 Mar 87, L.M. Noble to Earl Foster.
  11. Ltr, dtd 3 April 87, Gene E. McKissic, Esquire (representing Keels for Congress Committee), to FEC, w/encl (Respondent's Reply Brief).
  12. General Counsel's Report, dtd 15 April 87.
  13. Memo, dtd 16 April 87, OGC to OCS, Subject: General Counsel's Report.
  14. Certification of Commission Action, dtd 28 April 87.
  15. Ltr, dtd 1 May 87, L.M. Noble to Gene E. McKissic, Esquire.

-END-

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



## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

5 December 1986

MEMORANDUM

TO: CHARLES N. STEELE  
GENERAL COUNSEL

THROUGH: JOHN C. SURINA  
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF KEELS FOR CONGRESS COMMITTEE

This is a referral of the Keels for Congress Committee ("the Committee"). The Committee has failed to file the 1986 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 4, 1986. According to the Reports Analysis Division Review and Referral Procedures for Authorized Committees (Standard 1), further examination is required by your office.

In addition, the Committee was published for failure to file the 1986 October Quarterly Report. The October Quarterly Report which was due on October 15, 1986 was not received until November 3, 1986. This item is not referable under the Authorized Review Policy.

The candidate, Lamar Keels, lost in the general election after receiving eighteen percent (18%) of the vote.

If you have any questions regarding this matter, please contact Robin Kelly at 376-2480.

Attachment

87040550479

REPORTS ANALYSIS REFERRAL  
TO  
OFFICE OF GENERAL COUNSEL

DATE: 5 December 1986

ANALYST: Robin Kelly

I. COMMITTEE: Keels for Congress Committee  
(C00206680)  
Earl Foster, Treasurer  
P.O. Box 660  
Camden, AR 71701

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

III. BACKGROUND:

Failure to File a Required Report as of Election Day

The Keels for Congress Committee ("the Committee") has failed to file the 1986 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 4, 1986. The Committee was notified on September 29, 1986 that the 12 Day Pre-General Report was due October 23, 1986 (Attachment 2). A mailgram was sent to the Committee on October 24, 1986 for failure to file the 12 Day Pre-General Report (Attachment 3). The mailgram informed the Committee that failure to file the report within four (4) business days might result in publication, audit or legal enforcement action. The name of the Committee was published on October 31, 1986 for failure to file the 12 Day Pre-General Report (Attachment 4).

The treasurer's wife, Mrs. Keels, telephoned a Reports Analysis Division analyst on November 3, 1986 (Attachment 5). Mrs. Keels stated that the Committee's accountant had become ill and was hospitalized and the October Quarterly and 12 Day Pre-General Reports had not been filed timely. Mrs. Keels then noted that the October Quarterly Report had been mailed with an explanation and that the 12 Day Pre-General Report would be filed the next day.

The 12 Day Pre-General Report was filed on November 7, 1986. On a cover memo attached to the report, the treasurer wrote that the report had been delayed due to an emergency (Attachment 6).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION  
1985-1986

DATE 20NOV86

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
-----									
KEELS, LAMAR	HOUSE 04	REPUBLICAN PARTY			ARKANSAS		1986 ELECTION	ID# H6AR04027	
1. STATEMENT OF CANDIDATE									
1986 STATEMENT OF CANDIDATE							12MAY86		1 86HSE/303/5385
2. PRINCIPAL CAMPAIGN COMMITTEE									
KEELS FOR CONGRESS COMMITTEE								ID# C00206680 HOUSE	
1986 STATEMENT OF ORGANIZATION							12MAY86		1 86HSE/303/5386
JULY QUARTERLY			15,323		15,314	31MAR86	-30JUN86		23 86HSE/306/3742
JULY QUARTERLY - AMENDMENT			15,322		15,314	31MAR86	-30JUN86		23 86HSE/312/3742
OCTOBER QUARTERLY			4,588		4,593	1JUL86	-30SEP86		18 86HSE/323/22
NOTICE OF FAILURE TO FILE							30SEP86		1 86FEC/441/2583
PRE-GENERAL				610		607	10OCT86	-15OCT86	10 86HSE/323/3639
NOTICE OF FAILURE TO FILE							10OCT86	-15OCT86	1 86FEC/443/1413
TOTAL			0	20,520	0	20,514			77 TOTAL PAGES
3. AUTHORIZED COMMITTEES									
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN									

Reports which have been reviewed: July Quarterly and Amended July Quarterly

Ending cash-on-hand as of 10/15/86: \$5.25

Debts owed by the Committee as of 10/15/86: \$9,362.26

ATTACHMENT 1

# GENERAL ELECTION REPORT NOTICE

## FEDERAL ELECTION COMMISSION

CANDIDATE COMMITTEES

September 29, 1986

### WHO MUST FILE

The principal campaign committees authorized by candidates<sup>1/</sup> who are seeking election in the 1986 general elections must file the pre-election report due October 23, 1986, and the post-election report due December 4, 1986.

### WHAT MUST BE REPORTED

The pre-election report must disclose all financial activity that occurred from the close of books for the last report through October 15, 1986. (Political committees that are filing a report for the first time should report all financial activity through October 15, 1986.)<sup>2/</sup> The post-election report must cover all financial activity of the campaign from October 16 through November 24, 1986. (See the chart on the reverse side.) NOTE: In addition, if the campaign has more than one committee, the principal campaign committee must also file a consolidated report, (FEC Form 32). For details, see page 14 of the Campaign Guide For Congressional Candidates and Committees or 11 CFR 104.3(f).

### WHEN TO FILE

Pre-election reports sent by registered or certified mail must be postmarked no later than midnight October 20, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 23, 1986.

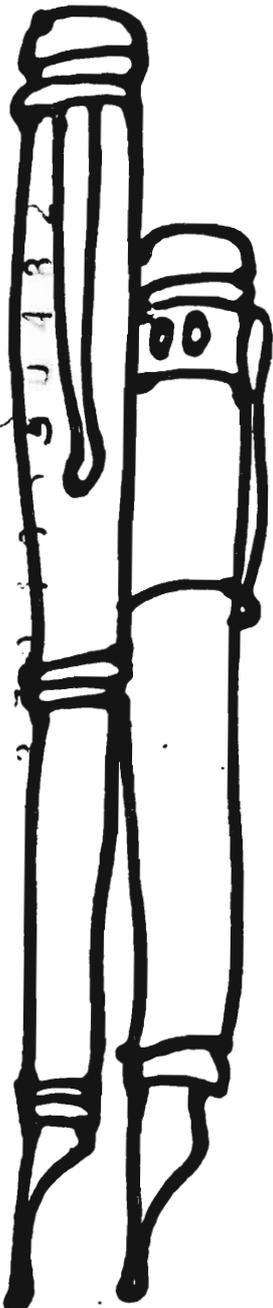
Post-election reports sent by registered or certified mail must be postmarked no later than midnight December 4, 1986. Reports hand delivered or mailed first class must be received no later than close of business December 4, 1986.

### WHERE AND HOW TO FILE

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

<sup>1/</sup>Individuals should refer to the enclosed brochure for the definition of the term "candidate," and the registration requirements. If you determine that you meet the definition of candidate, your principal campaign committee should comply with the above reporting requirements. Appropriate forms are enclosed.

<sup>2/</sup>The first report filed by a committee shall include all amounts received or disbursed prior to reaching the threshold for candidate registration. See 11 CFR 101.3; 104.3(a) and (b). Activity which occurred prior to 1986, however, should be disclosed separately.



## REPORTS DUE DURING OCTOBER, DECEMBER AND JANUARY

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg/Cert. Mailing Date</u>	<u>Filing Date</u>
Oct. Quarterly	07/01* - 09/30/86	10/15/86	10/15/86
Pre-General	10/01 - 10/15/86	10/20/86	10/23/86
Post-General	10/16 - 11/24/86	12/04/86	12/04/86
Year-End	11/25 - 12/31/86	01/31/87	01/31/87

**NOTE: Last Minute Contributions**

Last minute contributions of \$1,000 or more received, by authorized committees, between two and 20 days before the general election, must be reported within 48 hours of their receipt. (See 11 CFR 104.5(f)).

**COMPLIANCE**

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

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\*Committees should use this date, the closing date of the last report filed, or the date of candidate status, whichever is later. See also footnote 2 on page 1.

FOR INFORMATION CALL: Information Services Division  
800/424-9530 or 202/376-3120

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RQ-7

(This is a copy of the text of a mailgram sent to the committee listed below on October 24, 1986.)

Earl Foster, Treasurer  
Keels for Congress Committee  
P.O. Box 660  
Camden, AR 71701

Identification Number: C00206680

Reference: 12 DAY PRE-GENERAL REPORT (10/1/86-10/15/86)

It has come to the attention of the Federal Election Commission that you may have failed to file the 1986 12 Day Pre-General Report of Receipts and Expenditures as required by the Federal Election Campaign Act, as amended. Unless you recently registered, prior notification was sent to you approximately 24 days ago advising you that your report was due on October 23, 1986.

You will be allowed four (4) business days from the date of this notice to file the 12 Day Pre-General Report. The report should be filed with the Clerk of the House, Office of Records and Registration, 1036 Longworth HOB, Washington, D.C. 20515, or the Secretary of the Senate, Office of Public Records, 232 Hart Senate Office Building, Washington, D.C. 20510, as appropriate. Copy of the report should also be filed with the appropriate Secretary of State or equivalent state officer.

If you have filed the report timely by certified or registered mail, please notify us immediately, in writing, of the certified or registered number and the date that the report was sent.

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

If you have any questions regarding this matter, please contact the Reports Analysis Division on our toll free number (800) 424-9530 or on our local number (202) 376-2480.

Sincerely,

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

86034431413  
9704050434

# FEDERAL ELECTION COMMISSION

Press Office  
988 E Street, N.W., Washington, D.C. 20463  
Phone: Local 378-3188 Toll Free 800-424-9830



FOR IMMEDIATE RELEASE:  
FRIDAY, OCTOBER 31, 1986

CONTACT: FRED EILAND  
SHARON SNYDER  
KAREN FIDUCAN

## FEC PUBLISHES PRE-GENERAL NON-FILERS

WASHINGTON—The Federal Election Commission today published a list of committees authorized by 1986 Congressional candidates involved in the November 4 general election which failed to file the required 12-day pre-general financial disclosure reports.

The reports were due October 23rd, covering activity from October 1, 1986, through October 15, 1986. If sent by regular mail, or if hand-delivered, the reports should have been received by close of business on October 23. If sent by registered or certified mail, the reports must have been postmarked by midnight October 20. Committees were notified of their filing requirements on September 29 and those which failed to file were again notified October 24.

As of 5 p.m. October 30, reports from the following committees had not been filed:

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CA/04...Keels for Congress Committee...Lamar Keels...Rep.] 40  
 AS/00...Friends for Soli...Soli Amoreuologo Salanoa...Rep.  
 CA/31...Jack McMurray for U.S. Congress...Jackson M. McMurray, II...Rep.  
 FL/18...Tom Brodie for Congress...Thomas Graham Brodie...Rep.  
 IL/07...Citizens to Elect Jerald Wilson for Congress...Jerald Wilson...Ind.  
 KS/02...Kansas for Kline...Phillip Dean Kline...Rep.  
 KY/03...The Holmes Committee...Lee Holmes...Rep.  
 LA/03...The Billy Tauzin Committee...Wilbert Joseph Tauzin, II...Dem.  
 MD/03...Pierpont for Congress...Dr. Ross Zimmerman Pierpont...Rep.  
 NH/SEN...Peabody for U.S. Senate...Endicott Peabody...Dem.  
 NJ/07...June S. Fischer for Congress...June S. Fischer...Dem.  
 NY/06...Dietl for Congress Committee...Richard A. Dietl...Rep.  
 NY/21...Friends of Ben Fish, Jr...Hamilton Fish, Jr...Rep.  
 NY/12...Congressman Major Owens in '86...Major Robert Owens...Dem.  
 NY/07...Rodriguez for Congress Committee...Edward W. Rodriguez...Rep.  
 NY/05...Committee to Elect Michael T. Sullivan...Michael T. Sullivan...Dem.  
 NY/04...Pat Sullivan for Congress Committee...Patricia Sullivan...Dem.  
 OH/11...Margaret Mueller for Congress Committee...Margaret R. Mueller...Rep.  
 SC/06...Committee to Elect Robbie Cunningham to Congress...  
 Robert Hugh Cunningham, Jr...Rep.  
 TX/12...Friends of Don McNeil...Don McNeil...Rep.  
 MI/13...Mary Griffin for Congress...Mary Marcell Griffin...Rep.

The 1979 Amendments to the Federal Election Campaign Act specify that the Commission publish only those committees authorized by candidates to raise and spend money on their behalf. Therefore, this list does not include other types of political committees which may have been required to file.

In addition, individuals register as candidates only after they have raised or spent in excess of \$5,000. Prior to reaching that threshold, no registration or reporting is required. Therefore, some individuals whose names appear on state ballots may have no filing obligations.

Further Commission action against non-filers will be decided on a case-by-case basis. The Federal Election Campaign Act gives the Commission broad authority to initiate enforcement actions, including civil court enforcement and the imposition of civil penalties (\$5,000 for "any violation" and \$10,000 for any "knowing and willful" violation) for infractions of the law, including failure to file required disclosure reports.

The next report due for general election candidates will be the 30-day post election report, due December 4, covering activity from October 16 through November 24.

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MEMORANDUM FOR FILES: TELECON

SUBJECT: 12 Day Pre-General Report

FROM: Mrs. Keebs

TO: Linda Pangney (for Robin Kelly)

NAME OF COMMITTEE: Keebs for Congress (ARK)

DATE: 11/3/86

8704  
1187

Mrs. Keebs telephoned to explain that the committee's accountant had become very ill & was hospitalized. Mrs. Keebs stated that the "Q3" & "12G" reports were not mailed timely. She stated she had already mailed in the Q3 with an explanation, & she was mailing the 12G tomorrow with an explanation.

RECEIVED  
NOV 8 1986



"SOUTH ARKANSAS NEEDS A HARD WORKING MAN"

# KEELS FOR CONGRESS

(501) 536-9494 (501) 536-1801

Headquarters:  
221 S. Main  
Pine Bluff, AR 71601

Mailing Address:  
P. O. Box 669  
Camden, AR 71701

November 4, 1986 Home Phone (501) 876-9280

RECEIVED  
DIRECTOR OF RECORDS & REGISTRATION  
1986 NOV - 7 PM 2:01  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20541

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

Re: Pre-election report  
October 1, 1986 - October 15, 1986  
Iamar Keels, Candidate  
Arkansas 4 CD  
#120065

Gentlemen:

We are submitting herewith pre-election report for the period above. Due to an emergency (staff), our reports have been delayed.

Please note on Report (October 15 Quarterly), Page 2, FEC Form 3, covering period 7-1-86 to 9-30-86, Line 11d, Column B, the figure reported was \$850.00; this figure should read \$5,850.00 to reflect the \$5,000 candidate previously contributed to campaign. You will find the rest of the figures to be accurate.

Thank you for your consideration to our emergency.

Sincerely,

*Earl Foster*

KEELS FOR CONGRESS COMMITTEE  
Treasurer

KF:n

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**REPORTS OF RECEIPTS AND DISBURSEMENTS**  
For Authorized Committee

(Summary Page)

RECEIVED  
 NOV - 7 PM 2 02

1 Name of Committee (in Full) **BEELS FOR CONGRESS COMMITTEE**  
 2 P.O. Address (in Full) **12085**  
 3 Address (Number and Street) **P.O. Box 8466**  
 4 City, State and Zip Code **Pine Bluff AR 71601**

5 TYPE OF REPORT **XX Pre-general - 10/1/86 - 10/15/86**

April 15 Quarterly Report       Twelfth day report preceding  
 July 15 Quarterly Report       Twelfth day report following the expiration of the term  
 October 15 Quarterly Report       Termination Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Election Year Only)

The report contains activity for -  Primary Election     General Election     Special Election     Municipal Election

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SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>10/1/86</u> through <u>10/15/86</u>		
6. Net Contributions (other than loans)			
(a) Total Contributions (other than loans) (From Line 11 (a))		610.00	15,529.81
(b) Total Contribution Refunds (from Line 20 (a))			
(c) Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))		610.00	15,529.81
7. Net Operating Expenditures			
(a) Total Operating Expenditures (from Line 17)		607.60	19,307.22
(b) Total Offsets to Operating Expenditures (from Line 14)			
(c) Net Operating Expenditures (subtract Line 7 (b) from 7 (a))		607.60	19,307.22
8. Cash on Hand at Close of Reporting Period (from Line 27)		8.25	
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		0	
10. Debts and Obligations Owed BY The Committee (Itemize all on Schedule C or Schedule D)		9,362.26	

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  
 600 E Street, N.W.  
 Washington, D.C. 20462  
 Toll Free 800-426-6900  
 Local 202-576-5100

EARL Foster  
 Type or Print Name of Treasurer

Earl Foster  
 SIGNATURE OF TREASURER

11/3/86  
 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.

FEC FORM 3 (3-80)

**SENSITIVE**

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

FIRST GENERAL COUNSEL'S REPORT

Date and Time of Transmittal by  
BY OGC TO THE COMMISSION \_\_\_\_\_

RAD # 86NF-26  
STAFF MEMBER  
Beverly Kramer

SOURCE: Internally Generated

RESPONDENTS: Keels for Congress Committee  
Earl Foster, as treasurer

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

INTERNAL REPORTS  
CHECKED: Public Records

FEDERAL AGENCIES  
CHECKED: None

RECEIVED  
GENERAL COUNSEL'S OFFICE  
NOV 18 1986

GENERATION OF MATTER

The Reports Analysis Division referred this matter to the Office of the General Counsel on December 5, 1986 (Attachment 1).

SUMMARY OF ALLEGATIONS

It is alleged that the Keels for Congress Committee and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file their 1986 Pre-General Election Report in a timely manner.

FACTUAL AND LEGAL ANALYSIS

1. The Law

Section 434(a)(2)(A)(i) of Title 2, United States Code, requires that the treasurer of a political committee, which is the principal campaign committee of a candidate for the House of Representatives, must file a pre-election report no later than

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the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election. See also, 11 C.F.R. § 104.5(a)(1)(i)(A).

**2. The Facts**

The Keels for Congress Committee ("the Committee") is the principal campaign committee of Lamar Keels, who was seeking election to the U.S. House of Representatives for Arkansas' 4th congressional district in 1986. Earl Foster is the treasurer of the Committee.

The Committee was required, pursuant to 2 U.S.C. § 434(a)(2)(A)(i), to file its 1986 Pre-General Election Report no later than October 23, 1986, 12 days before the 1986 general election which was held on November 4, 1986. The Committee did not file its 1986 Pre-General Election Report until November 7, 1986, which was 15 days late.

Before the due date of its 1986 Pre-General Election Report, the Commission sent a general notice to the Committee advising them of the filing requirements of their pre-election report. In addition, a mailgram was sent to the Committee on October 24, 1986, notifying them of their apparent failure to file the pre-general election report. The mailgram informed the Committee that failure to file the report within four business days might result in publication, audit or legal enforcement action. The name of the Committee was published on October 31, 1986 for failure to file their 1986 Pre-General Election Report.

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On November 3, 1986, the candidate's wife telephoned the Commission to explain the circumstances of the Committee's failure to file their Pre-General Election Report in a timely manner. Mrs. Keels stated that the Committee's accountant had become ill and was hospitalized. Subsequently, the treasurer filed the Pre-Election report with a cover letter stating that the report had been delayed due to an emergency. The report disclosed receipts of \$610 and disbursements of \$607. 1/

**3. Application of the Law to the Facts**

The record in this case reveals that the Committee failed to file its 1986 Pre-General Election Report within the time-frame required by 2 U.S.C. § 434(a)(2)(A)(i). Failure to file reports within the time-frame required is a violation of this section of the Act. Accordingly, the Office of the General Counsel recommends that the Commission open a matter under review and find reason to believe that the Committee and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

**RECOMMENDATIONS**

1. Open a matter under review.

1/ The referral also notes that the Committee's 1986 October Quarterly report, due October 15, 1986, was not filed until November 3, 1986. During the telephone discussion on November 3, 1986, Mrs. Keels attributed the delay to the fact that the Committee's accountant had become ill and was hospitalized.

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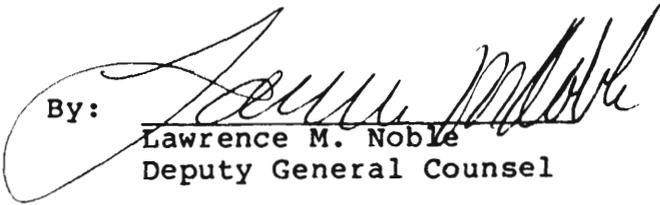
2. Find reason to believe that the Keels for Congress Committee and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).
3. Approve and send the attached letter and General Counsel's Factual and Legal Analysis.

Charles N. Steele  
General Counsel

Date

1/27/87

By:

  
Lawrence M. Noble  
Deputy General Counsel

Attachments

1. RAD Referral
2. Letter and General Counsel's Factual and Legal Analysis

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Attachment(s) 1 & 2

to 1st GC Report

have been removed from this  
position in Public Record File.

See Index Items 2 and 7



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *rd*  
DATE: January 28, 1987  
SUBJECT: RAD Ref. 86NF-26 - First General Counsel's Rpt.

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

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
Sensitive	<input checked="" type="checkbox"/>	Audit Matters	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Litigation	<input type="checkbox"/>
24 Hour No Objection	<input type="checkbox"/>	Closed MUR Letters	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>	Status Sheets	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Advisory Opinions	<input type="checkbox"/>
Information	<input type="checkbox"/>	Other (see distribution below)	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>		
Non-Sensitive	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL

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

DATE: JANUARY 30, 1987

SUBJECT: OBJECTION - RAD Ref.86NF-26-1'ST GENERAL COUNSEL'S  
REPORT  
SIGNED JAN 27, 1987

The above-captioned document was circulated to the Commission on Wednesday, January 28, 1987 at 4:00.

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

Commissioner Aikens \_\_\_\_\_ X \_\_\_\_\_  
Commissioner Elliott \_\_\_\_\_  
Commissioner Josefiak \_\_\_\_\_  
Commissioner McDonald \_\_\_\_\_  
Commissioner McGarry \_\_\_\_\_  
Commissioner Thomas \_\_\_\_\_

This matter will be placed on the Executive Session agenda for February 3, 1987.

87040550490

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Keels for Congress Committee )  
Earl Foster, as treasurer ) RAD Referral #86NF-26 (MUR 2340)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of February 3, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to the above-captioned referral:

1. Open a Matter Under Review.
2. Find reason to believe that the Keels for Congress Committee and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a) (2) (A) (i).
3. Approve and send the letter and General Counsel's Factual and Legal Analysis attached to the General Counsel's report dated January 27, 1987.

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

Attest:

2/4/87  
Date

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

37040550497



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 11, 1987

Earl Foster, Treasurer  
Keels for Congress Committee  
P.O. Box 660  
Cammden, AR 71701

RE: MUR 2340  
Keels for Congress Committee  
Earl Foster, as treasurer

Dear Mr. Foster:

On February 3, 1987, the Federal Election Commission determined that there is reason to believe the Keels for Congress Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

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

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

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

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

Sincerely,



Scott E. Thomas  
Chairman

Enclosures

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

37044050407

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

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR #  
STAFF MEMBER  
Beverly Kramer

RESPONDENTS: Keels for Congress Committee  
Earl Foster, as treasurer

GENERATION OF MATTER

The Reports Analysis Division referred this matter to the Office of the General Counsel on December 5, 1986.

SUMMARY OF ALLEGATIONS

It is alleged that the Keels for Congress Committee and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file their 1986 Pre-General Election Report in a timely manner.

FACTUAL BASIS AND LEGAL ANALYSIS

1. The Law

Section 434(a)(2)(A)(i) of Title 2, United States Code, requires that the treasurer of a political committee, which is the principal campaign committee of a candidate for the House of Representatives, must file a pre-election report no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election. See also, 11 C.F.R. § 104.5(a)(1)(i)(A).

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2. The Facts

The Keels for Congress Committee ("the Committee") is the principal campaign committee of Lamar Keels, who was seeking election to the U.S. House of Representatives for Arkansas' 4th congressional district in 1986. Earl Foster is the treasurer of the Committee.

The Committee was required, pursuant to 2 U.S.C. § 434(a)(2)(A)(i), to file its 1986 Pre-General Election Report no later than October 23, 1986, 12 days before the 1986 general election which was held on November 4, 1986. The Committee did not file its 1986 Pre-General Election Report until November 7, 1986, which was 15 days late.

Before the due date of its 1986 Pre-General Election Report, the Commission sent a general notice to the Committee advising them of the filing requirements of their pre-election report. In addition, a mailgram was sent to the Committee on October 24, 1986, notifying them of their apparent failure to file the pre-general election report. The mailgram informed the Committee that failure to file the report within four business days might result in publication, audit or legal enforcement action. The name of the Committee was published on October 31, 1986 for failure to file their 1986 Pre-General Election Report.

On November 3, 1986, the candidate's wife telephoned the Commission to explain the circumstances of the Committee's failure to file their Pre-General Election Report in a timely

87040550501

manner. Mrs. Keels stated that the Committee's accountant had become ill and was hospitalized. Subsequently, the treasurer filed the Pre-Election report with a cover letter stating that the report had been delayed due to an emergency. The report disclosed receipts of \$610 and disbursements of \$607. \_/

**3. Application of the Law to the Facts**

The record in this case reveals that the Committee failed to file its 1986 Pre-General Election Report within the time-frame required by 2 U.S.C. § 434(a)(2)(A)(i). Failure to file reports within the time-frame required is a violation of this section of the Act. Accordingly, the Office of the General Counsel recommends that the Commission open a matter under review and find reason to believe that the Committee and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

---

1/ The referral also notes that the Committee's 1986 October Quarterly report, due October 15, 1986, was not filed until November 3, 1986. During the telephone discussion on November 3, 1986, Mrs. Keels attributed the delay to the fact that the Committee's accountant had become ill and was hospitalized.

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**SENSITIVE**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 19, 1987

MAR 19 11:53:52

MEMORANDUM

TO: The Commission  
FROM: Lawrence M. Noble *LMN*  
Acting General Counsel  
SUBJECT: MUR 2340

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on March 19, 1987. Following receipt of the Respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondents

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2340  
Keels for Congress Committee and )  
Earl Foster, as treasurer )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter was initiated by the Commission based on information ascertained in the ordinary course of carrying out its supervisory responsibilities.

The Keels for Congress Committee ("the Committee") is the principal campaign committee of Lamar Keels, who was seeking election to the U.S. House of Representatives for Arkansas' 4th congressional district in 1986. Earl Foster is the treasurer of the Committee.

The Committee was required, pursuant to 2 U.S.C. § 434(a)(2)(A)(i), to file its 1986 Pre-General Election Report no later than October 23, 1986, 12 days before the 1986 general election which was held on November 4, 1986. The Committee did not file its 1986 Pre-General Election Report until November 7, 1986, which was 15 days late.

Before the due date of its 1986 Pre-General Election Report, the Commission sent a general notice to the Committee advising them of the filing requirements of their pre-election report. In addition, a mailgram was sent to the Committee on October 24, 1986, notifying them of their apparent failure to file the pre-general election report. The mailgram informed the Committee that failure to file the report within four business days might

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II. LEGAL ANALYSIS

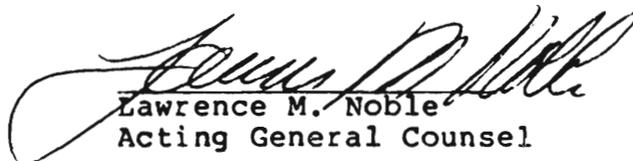
Section 434(a)(2)(A)(i) of Title 2, United States Code, requires that the treasurer of a political committee, which is the principal campaign committee of a candidate for the House of Representatives, must file a pre-election report no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election. See also, 11 C.F.R. § 104.5(a)(1)(i)(A).

The record in this case reveals that the Committee failed to file its 1986 Pre-General Election Report within the time-frame required by 2 U.S.C. § 434(a)(2)(A)(i). Failure to file reports within the time-frame required is a violation of this section of the Act. The Committee has not submitted any factual or legal materials to demonstrate that no action should be taken. Accordingly, the Office of the General Counsel recommends that the Commission find probable cause to believe that the Committee and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

III. GENERAL COUNSEL'S RECOMMENDATION

1. Find probable cause to believe that the Keels for Congress Committee and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).

Date 3/18/87

  
Lawrence M. Noble  
Acting General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *Caf*  
DATE: March 19, 1987  
SUBJECT: MUR 2340 - General Counsel's Brief

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

CIRCULATIONS

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

Other [ ]

DISTRIBUTION

Compliance [x]  
Audit Matters [ ]  
Litigation [ ]  
Closed MUR Letters [ ]  
Status Sheets [ ]  
Advisory Opinions [ ]  
Other (see distribution below) [ ]

87040550507



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 19, 1987

Earl Foster, Treasurer  
Keels for Congress Committee  
P.O. Box 660  
Camden, AR 71701

Re: MUR 2340  
Keels for Congress Committee  
and Earl Foster, as  
treasurer

Dear Mr. Foster:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on February 3, 1986, found reason to believe that the Keels for Congress Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and instituted an investigation in this matter.

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

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

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

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

Should you have any questions, please contact Beverly Kramer, the staff member assigned to handle this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble  
Acting General Counsel

Enclosure  
Brief

87040550509

GCC# 3045  
RECEIVED AT THE FEC

OTHELLO C. CROSS  
JESSE L. KEARNEY  
GENE E. McKISSIC

**CROSS, KEARNEY & McKISSIC**  
ATTORNEYS AT LAW  
104 MAIN STREET  
P.O. BOX 6606  
PINE BLUFF, ARKANSAS 71611

67 APR 6 AIO: 52  
TELEPHONE  
(501) 536-4056  
(501) 536-4057  
(501) 536-4082

April 3, 1987

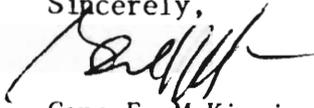
Federal Election Commission  
Secretary of the Federal Commission  
Washington, D.C. 20436

RE: MUR 2340  
Keels for Congress Committee  
Earl Foster, as treasurer

Dear Sir/Madam:

Enclosed herewith please find original of Respond's Brief relative to the above captioned matter and nine (9) copies of the same.

Sincerely,



Gene E. McKissic

GEM:clm

Enclosures

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RECEIVED  
GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMITTEE

In the Matter of )  
 ) MUR 2340  
Keels for Congress Committee and )  
Earl Foster, as treasurer )

RESPONDENT'S BRIEF

STATEMENT OF THE CASE

Lamar Keels was a candidate for the U.S. House of Representatives for the 4th Congressional District of Arkansas in 1986. Keels for Congress Committee was the principal campaign committee and Earl Foster was the treasurer. [The Committee was required to file its 1986 Pre-Election Report on or before October 23, 1986, but failed to do so. The report was not filed until November 7, 1986.]

The report reflects that during the relevant time period the committee received \$610 in contributions and had expenditures of \$607.

ARGUMENT

The respondent acknowledges that the pre-election report was not filed until November 7, 1987. However, mitigating circumstances exist for such late filing.

The treasurer's mother was stricken by a severe heart attack five days prior to the date on which the report was due. He immediately had to leave his position as treasurer and go to the Portland, Oregon, to be with and aid his sick mother. He was the person responsible for the keeping of all financial records and preparing the pre-general election report.

Mrs. Lamar Keels then assumed the duties of treasurer. She was ill at the time and also trying to care for an invalid aunt. Mr. Keels was on the road campaigning during the final days before the election, and there was no one to prepare the report as he had no other staff.

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Mrs. Keels finally prepared the report, which was mailed to Mr. Foster for signing, before being filed with the Election Commission.

There was no intention on the part of the treasurer or the Keels Committee to fail to file the report in a timely manner. The serious events as outlined above resulted in the report not being filed as required. Any violation of federal election laws are minor and mere technicalities and were not intended to conceal information which may have affected the election results or their validity. The total campaign contributions received during the time in question was only \$610.

CONCLUSION

The Commission should find that any violations were unintentional and unavoidable and take no action against respondent.

BY:

  
GENE E. MCKISSIC

FOR: CROSS, KEARNEY & MCKISSIC  
Attorneys At Law  
104 Main Street  
P.O. Box 6606  
Pine Bluff, AR 71611  
(501) 536-4056

37040550512

BEFORE THE FEDERAL ELECTION COMMISSION

APR 28 1987

In the Matter of )  
 )  
Keels for Congress Committee ) MUR 2340  
and Earl Foster, Treasurer )  
 )

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RECEIVED  
COMMISSIONER  
FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On February 3, 1987, the Commission determined that there was reason to believe the Keels for Congress Committee ("the Committee") and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to timely file its 1986 Pre-General Election Report of receipts and disbursements. Notification of the Commission's finding was mailed to the Committee on February 11, 1987.

The Committee did not respond to the Commission's notice in connection with its reason to believe finding. Consequently, a General Counsel's Brief, stating the position of the General Counsel on the legal and factual issues of the case and recommending a finding of probable cause to believe a violation of 2 U.S.C. § 434(a)(2)(A)(i) occurred, was mailed to the Committee on March 19, 1987. On April 6, 1987, the Office of the General Counsel received the Committee's reply brief. The Committee's responsive brief acknowledges that the subject 1986 Pre-General Election Report was not filed in a timely manner but argues that no further action should be taken in view of mitigating circumstances.

The General Counsel's Brief acknowledged a telephone conversation between the candidate's wife and a staff member of

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the Commission's Reports Analysis Division wherein she attributed the delay to the fact that the Committee's accountant had become ill and was hospitalized. The Committee's responsive brief calls the Commission's attention to additional circumstances.

Specifically, the response states that the treasurer's mother was stricken by a severe heart attack five days prior to the date on which the report was due and that he had to leave his position as treasurer and go to Portland, Oregon to be with and aid his sick mother. The response further states that Mrs. Keels then assumed the duties of treasurer at a time when she too was ill and also trying to care for an invalid aunt. Moreover, the response claims that Mr. Keels was on the road campaigning and that there was no one to prepare the report as he had no other staff. Finally, the response calls the Commission's attention to the fact that its late report reflected only \$610 in contributions received.

## II. LEGAL ANALYSIS

For legal analysis, this Office chiefly relies on the General Counsel's Brief which was circulated March 19, 1987.

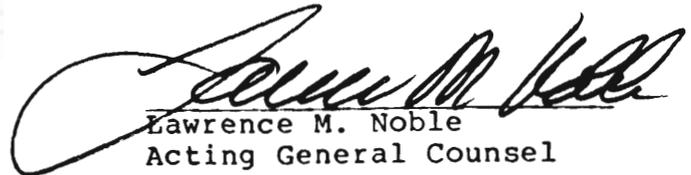
In view of the additional circumstances presented for the first time in the Committee's responsive brief, the Office of the General Counsel recommends that the Commission find probable cause to believe a violation of 2 U.S.C. § 434(a)(2)(A)(i) occurred and take no further action in this matter.

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III. RECOMMENDATIONS

1. Find probable cause to believe that the Keels for Congress Committee and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and take no further action.
2. Close the file.
3. Approve and send the attached letter.

Date 4/15/87

  
Lawrence M. Noble  
Acting General Counsel

Attachment  
Proposed letter

87040550515

87040350510

Attachment(s) I

to 4/15/87 GC Rpt

~~have~~ <sup>has</sup> been removed from this  
position in Public Record File.

See Index Item 15



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *Cof*  
DATE: April 16, 1987  
SUBJECT: MUR 2340 - General Counsel's Report

The attached is submitted as an Agenda document  
for the Commission Meeting of Tuesday, April 28, 1987.

Open Session \_\_\_\_\_  
Closed Session XX

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[x]
Sensitive	[ ]	Audit Matters	[ ]
Non-Sensitive	[ ]	Litigation	[ ]
24 Hour No Objection	[ ]	Closed MUR Letters	[ ]
Sensitive	[ ]	Status Sheets	[ ]
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Information	[ ]	Other (see distribution below)	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]		
Other	[x]		

Sensitive - circulate on  
blue paper.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Keels for Congress Committee ) MUR 2340  
and Earl Foster, Treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 28, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2340:

1. Find probable cause to believe that the Keels for Congress Committee and Earl Foster, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and take no further action.
2. Close the file.
3. Approve and send the letter attached to the General Counsel's report dated April 15, 1987.

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

Attest:

4-28-87

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

8704050518



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 1, 1987

Gene E. McKissic, Esquire  
Cross, Kearney & McKissic  
104 Main Street  
P.O. Box 6606  
Pine Bluff, AR 71611

RE: MUR 2340  
Keels for Congress Committee  
Earl Foster, as treasurer

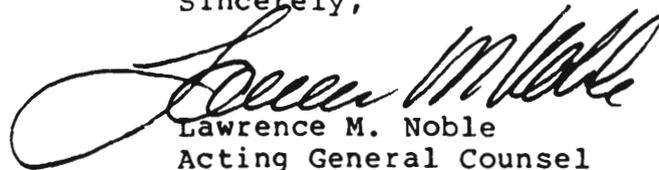
Dear Mr. McKissic:

This is to advise you that on April 28, 1987, the Federal Election Commission found that there is probable cause to believe your client, the Keels for Congress Committee and Earl Foster, as treasurer, violated 2 U.S.C. 434(a)(2)(A)(i) by failing to timely file their 1986 Pre-General Election Report. After considering the circumstances of this matter, however, the Commission also determined to take no further action against your clients, and closed its file in this matter.

The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

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

Sincerely,

  
Lawrence M. Noble  
Acting General Counsel

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*plm*

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FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 2340  
DATE FILMED 6/15/87 CAMERA NO. 2  
CAMERAMAN A.S.

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