



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 2387

DATE FILMED 8/28/90 CAMERA NO. 3

CAMERAMAN AS

90040793572

LAWRENCE M. NOBLE
General Counsel

RICHARD B. BADER
Associate General Counsel

IVAN RIVERA
Assistant General Counsel

MICHAEL A. DYMERSKY
Attorney

FOR THE PLAINTIFF
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(202) 376-8200

88 OCT -7 PM 12:01
LODGED
SEP 27 1988
OFFICE OF THE CLERK
U. S. DISTRICT COURT
DISTRICT OF ARIZONA

CONFIDENTIAL

FILED

OCT 03 1988

7

RICHARD H. WEAVER, CLERK
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

BY _____
DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PHOENIX DIVISION

FEDERAL ELECTION COMMISSION,)
)
Plaintiff,)
)
v.)
)
HARRY BRAUN FOR CONGRESS)
COMMITTEE, et al.)
)
Defendants.)

Civil Action No. Civ 88-1174(PHX)CLH

CONSENT ORDER

CONSENT ORDER

WHEREAS, this action for declaratory, injunctive and other appropriate relief was instituted by the plaintiff Federal Election Commission (the "Commission") pursuant to the express authority granted the Commission by sections 307(a)(6) and 309(a)(6)(A) of the Federal Election Campaign Act of 1971, as amended (the "Act"), codified at 2 U.S.C. §§ 437d(a)(6) and 437g(a)(6)(A), against the defendants Harry Braun For Congress Committee and Mary Irene Moore, as treasurer; and

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WHEREAS, this Court has original jurisdiction over this suit pursuant to 28 U.S.C. § 1345 as an action brought by an agency of the United States expressly authorized to sue by an Act of Congress, and venue is properly found in the United States District Court for the District of Arizona, Phoenix Division, in accord with 2 U.S.C. § 437g(a)(6)(A), as both defendants can be found, reside or transact business in this district;

NOW, THEREFORE, the parties agree to entry of this Court's judgment and consent to the issuance of this Order, as evidenced by the signatures of Harry Braun, on behalf of his principal campaign committee, Harry Braun For Congress Committee, and its treasurer, Mary Irene Moore, and plaintiff's counsel affixed hereto;

Therefore, it is ORDERED, ADJUDGED AND DECREED as follows:

I. The Commission has met all of the jurisdictional prerequisites to filing Civil Action No. Civ 88-1174(PHX)CLH;

II. Defendant Harry Braun For Congress Committee ("Braun Committee") is a "principal campaign committee" within the meaning of 2 U.S.C. § 431(5);

III. Defendant Mary Irene Moore ("Moore") is the treasurer of the Braun Committee. See 2 U.S.C. §§ 432(a), 432(c) and 434(a)(1);

IV. 2 U.S.C. § 432(g)(1) requires that the principal campaign committee of a candidate for the U.S. House of Representatives file required reports with the Clerk of the U.S.

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House of Representatives, who is authorized to act as a custodian for the Commission;

V. 2 U.S.C. § 434(a)(2)(A)(iii) requires that the principal campaign committee of a candidate for the House of Representatives file quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter;

VI. Pursuant to 2 U.S.C. § 434(a)(2)(A)(iii), defendants Braun Committee and Moore, as treasurer, were required to file a 1986 July Quarterly Report no later than July 15, 1986. Defendants Braun Committee and Moore, as treasurer, filed the 1986 July Quarterly Report with the Clerk of the U.S. House of Representatives on February 9, 1987 -- 209 days late;

VII. Pursuant to 2 U.S.C. § 434(a)(2)(A)(iii), defendants Braun Committee and Moore, as treasurer, were required to file a 1986 October Quarterly Report no later than October 15, 1986. Defendants Braun Committee and Moore, as treasurer, filed the 1986 October Quarterly Report with the Clerk of the U.S. House of Representatives on February 9, 1987 -- 117 days late;

VIII. Defendants Braun Committee and Moore, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(iii) by failing to file the 1986 July Quarterly Report and the 1986 October Quarterly Report on time;

IX. 2 U.S.C. § 434(a)(2)(A)(i) requires that the principal campaign committee of a candidate for the U.S. House of Representatives file a pre-election report no later than the

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12th day before any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

X. Pursuant to 2 U.S.C. § 434(a)(2)(A)(i), defendants Braun Committee and Moore, as treasurer, were required to file a 1986 12-Day Pre-Primary Election Report no later than August 28, 1986. Defendants Braun Committee and Moore, as treasurer, filed the 1986 12-Day Pre-Primary Election Report with the Clerk of the U.S. House of Representatives on February 9, 1987 -- 165 days late;

XI. Pursuant to 2 U.S.C. § 434(a)(2)(A)(i), defendants Braun Committee and Moore, as treasurer, were required to file a 1986 12-Day Pre-General Election Report no later than October 23, 1986. Defendants Braun Committee and Moore, as treasurer, filed the 1986 12-Day Pre-General Election Report with the Clerk of the U.S. House of Representatives on February 9, 1987 -- 109 days late;

XII. Defendants Braun Committee and Moore, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) by failing to file the 1986 12-Day Pre-Primary Election Report and the 1986 12-Day Pre-General Election Report on time;

XIII. Defendants Braun Committee and Moore, as treasurer, shall pay to the Federal Election Commission within twenty (20) days of the entry of this Consent Order a civil penalty of three hundred dollars (\$300), pursuant to 2 U.S.C. § 437g(a)(6)(B), for which defendants shall be jointly and severally liable;

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XIV. Defendants Braun Committee and Moore, as treasurer, are permanently enjoined from similar future violations of the Federal Election Campaign Act of 1971, as amended;

XV. The parties shall bear their own costs and fees in this matter.

Dated: 3 October 1988
Phoenix, Arizona

Charles L. Hardy
Charles L. Hardy
United States District Judge

So Stipulated:

Harry Braun
Harry Braun

Lawrence M. Noble
Lawrence M. Noble
General Counsel

FOR THE HARRY BRAUN
FOR CONGRESS COMMITTEE
and MARY IRENE MOORE,
as treasurer
540 North May Street
Suite 3078
Mesa, Arizona 85201

Richard B. Bader
Richard B. Bader
Associate General Counsel

Ivan Rivera
Ivan Rivera
Assistant General Counsel

Michael A. Dymersky
Michael A. Dymersky
Attorney

September 19, 1988
~~August~~

FOR THE PLAINTIFF
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(202) 376-8200

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

27 March 1987

MEMORANDUM

TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR *JCS*

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

SUBJECT: REFERRAL OF THE HARRY BRAUN FOR CONGRESS COMMITTEE

This is a referral of the Harry Braun for Congress Committee (the "Committee"). The Committee failed to file the 1986 July Quarterly, 12 Day Pre-Primary, October Quarterly, and 12 Day Pre-General Reports of Receipts and Disbursements as of Election Day, November 4, 1986. According to the 1985-1986 Reports Analysis Division Review and Referral Procedures for Authorized Committees (Standard 1), further examination is required by your office.

Please note that the Committee was not required to file reports until the candidate attained candidate status as defined in 2 U.S.C. 431(2). A statement filed by the candidate on March 1, 1986, stated that his committee would file reports when the Committee received or expended more than \$5,000. The Committee did not file its first report, the 1986 30 Day Post-General Report, until December 8, 1986. Subsequently, the Committee never received Non-Filer Notices for the above mentioned reports and as directed by 2 U.S.C. 437g(b) the Committee's name was not published. On January 20, 1987, the Committee was sent a Request for Additional Information ("RFAI") because the 30 Day Post-General report's Column B figures indicated prior financial activity. On February 9, 1987, the Committee filed reports which covered from April 1, 1986 through December 31, 1986. It appears that the candidate attained candidate status during the July Quarterly reporting period.

The candidate lost the General Election with 28.6% of the vote.

If you have any questions, please contact Linda Tangney at 376-2480.

Attachment

00040793378

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 27 March 1987

ANALYST: Linda Tanqney

I. COMMITTEE: Harry Braun for Congress Committee
(C00189787)
Mary Irene Moore, Treasurer
P.O. Box 26518
Tempe, AZ 85282

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

III. BACKGROUND:

Failure to File Required Reports as of Election Day

The Harry Braun for Congress Committee (the "Committee") failed to file the 1986 July Quarterly, 12 Day Pre-Primary, October Quarterly, and 12 Day Pre-General Reports of Receipts and Disbursements as of Election Day, November 4, 1986. Below is a list of the reports involved and pertinent information about each report.

<u>Report</u>	<u>Prior Notice</u>	<u>Due Date</u>	<u>Attachment</u>	<u>Date Filed</u>
July Quarterly	none	7/15/86	-	2/9/87
12 Day Pre-Primary	8/4/86	8/28/86	2	2/9/87
October Quarterly	9/19/86	10/15/86	3	2/9/87
12 Day Pre-General	9/29/86	10/23/86	4	2/9/87

The Committee was not sent a Prior Notice for reports before the 12 Day Pre-Primary Report because it was not known that the candidate was running for office until his name appeared on the "primary ballot list" received by the Commission in July of 1986. The candidate did file a statement on March 11, 1986, indicating that he would file reports once the Committee received or expended more than \$5,000 (Attachment 5). Since the Committee did not file its first report, the 1986 30 Day Post-General Report, until December 8, 1986. No Non-Filer Notices were sent to the Committee for 1986 Reports.

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HARRY BRAUN FOR CONGRESS COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

The Summary Page for each report was signed and dated by the treasurer in a time frame different than the actual filing date of February 9, 1987. Below is a list of the reports and the date disclosed on each Summary Page.

<u>Report</u>	<u>Date</u>	<u>Attachment</u>
July Quarterly	7/16/86	6
12 Day Pre-Primary	8/28/86	7
30 Day Post-Primary ^{1/}	9/28/86	8
October Quarterly	10/15/86	9
12 Day Pre-General	10/22/86	10

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

^{1/} The 30 Day Post-Primary Report is not a required report, and is considered a voluntary filing.

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FEDERAL ELECTION COMMISSION
1985-1986

DATE 16MAR87

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (2)

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			

BRAUN, HARRY W III HOUSE OF DEMOCRATIC PARTY ARIZONA 1986 ELECTION ID# H4AZ01012

1. STATEMENT OF CANDIDATE
2. PRINCIPAL CAMPAIGN COMMITTEE

HARRY BRAUN FOR CONGRESS COMMITTEE		ID #C00189787 HOUSE			
1986 MISCELLANEOUS REPORT TO FEC			11MAR86	1 86HSE/298/1884	
JULY QUARTERLY	5,134	4,654	1APR86 -30JUN86	4 87HSE/331/5244	
PRE-PRIMARY	11,260	11,513	1JUL86 -20AUG86	8 87HSE/331/5244	
POST-PRIMARY		6,516	1AUG86 -19SEP86	13 87HSE/331/5244	
OCTOBER QUARTERLY		4,172	4,082 20SEP86 -30SEP86	7 87HSE/331/5244	
PRE-GENERAL		1,257	1,377 1OCT86 -15OCT86	8 87HSE/331/5244	
POST-GENERAL		3,446	2,461 16OCT86 -24NOV86	11 86HSE/326/1393	
POST-GENERAL - AMENDMENT		3,446	2,461 16OCT86 -24NOV86	11 87HSE/331/5244	
REQUEST FOR ADDITIONAL INFORMATION			16OCT86 -24NOV86	2 87FEC/455/0027	
YEAR-END		375	728 25NOV86 -31DEC86	6 87HSE/331/3639	
1987 STATEMENT OF ORGANIZATION - AMENDMENT			9FEB87	1 87HSE/331/3388	
TOTAL	16,414	15,766	16,170	15,358	72 TOTAL PAGES

3. AUTHORIZED COMMITTEES
4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

ALL REPORTS HAVE BEEN REVIEWED.
ENDING CASH-ON-HAND AS OF 12/31/86: \$685
OUTSTANDING DEBTS OWED BY THE COMMITTEE AS OF 12/31/86: \$28,370
OUTSTANDING DEBTS OWED TO THE COMMITTEE AS OF 12/31/86: \$0

PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

ARIZONA

August 4, 1986

WHO MUST FILE

The principal campaign committees authorized by candidates^{1/} in the Arizona Primary scheduled to be held September 9, 1986, must file a pre-election report by August 28, 1986.

WHAT MUST BE REPORTED

The report must disclose all financial activity that occurred from the close of books for the last report through August 20, 1986. Political committees that have not previously filed a financial disclosure report should report all financial activity through August 20, 1986.^{2/} NOTE: In addition, if the campaign has more than one committee, the principal campaign committee must also file a consolidated report, (FEC Form 3Z). For details see page 14 of the Campaign Guide For Congressional Candidates and Committees or 11 CFR 104.3(f).

WHEN TO FILE

Reports sent by registered or certified mail must be postmarked no later than August 25, 1986. Reports hand delivered or mailed first class must be received no later than close of business August 28, 1986. (SEE REPORTING INFORMATION ON REVERSE SIDE).

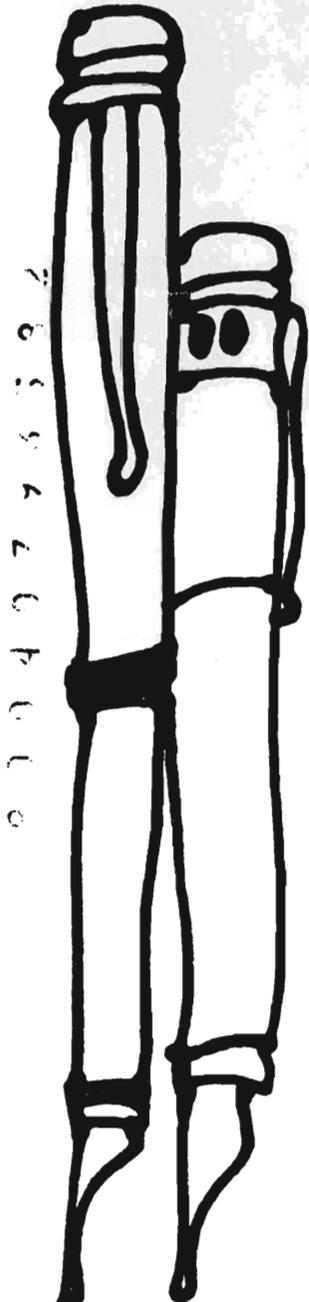
WHERE AND HOW TO FILE

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

^{1/} Individuals should refer to the enclosed brochure for the definition of the term "candidate" and 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.

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

-over-



CALENDAR OF REPORTS FOR THE ARIZONA PRIMARY ELECTION

NAME OF REPORT	PERIOD COVERED	REG./CERT MAILING DATE	FILING DATE
July Quarterly	4/1* - 6/30	07/15/86	07/15/86
Pre-Primary	7/01 - 8/20	08/25/86	08/28/86
October Quarterly	8/21 - 9/30	10/15/86	10/15/86

LAST MINUTE CONTRIBUTIONS

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

COMPLIANCE

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

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

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

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QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CANDIDATE COMMITTEES

September 19, 1986

WHO MUST FILE

The principal campaign committee of each Congressional candidate seeking election in 1986 must file a quarterly report by October 15, 1986. All other candidate committees should see below (Semiannual Filers) for their reporting schedule.

WHAT MUST BE REPORTED

The report must disclose all financial activity that occurred from the close of books for the last report through September 30, 1986. Political committees that have not previously filed a financial disclosure report should report all financial activity through September 30, 1986.* **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).

FILING DATE

Reports sent by registered or certified mail must be postmarked no later than midnight October 15, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 15, 1986.

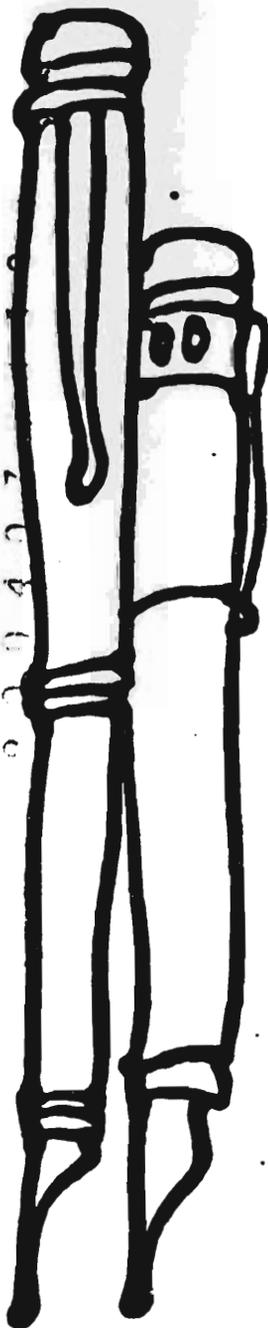
WHERE AND HOW TO FILE

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

SEMIANNUAL FILERS

Political Committees authorized by candidates for a Federal election held prior to 1986 or for a future election (i.e., a year other than 1986) need only file a year-end report by January 31, 1987, covering all financial activity from the last report filed through December 31, 1986.

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



A NUMBER

FUTURE REPORTS FOR QUARTERLY FILINGS

Principal campaign committees participating in a general election must file a pre-and post-general election report. A notice explaining your filing requirements will be sent to you before the general election.

All committees must file the year-end report by January 31, 1987. The notice explaining this filing requirement will be sent to you after the general election.

COMPLIANCE

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

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

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GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CANDIDATE COMMITTEES

September 29, 1986

WHO MUST FILE

The principal campaign committees authorized by candidates^{1/} 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.)^{2/} 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.

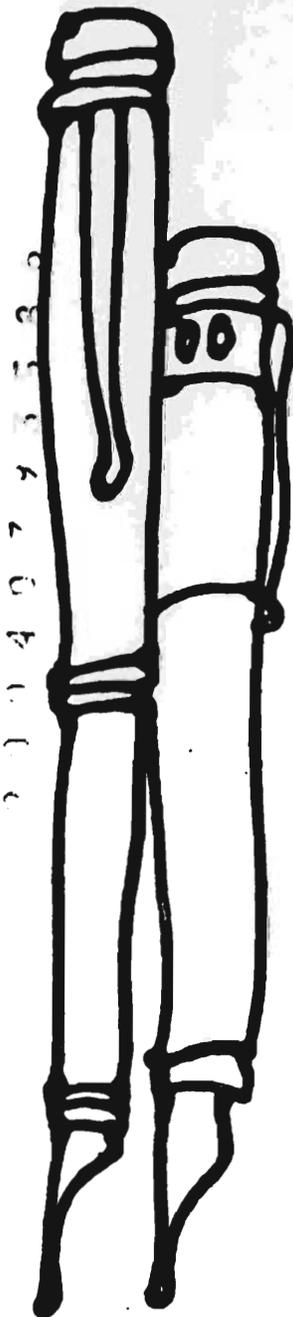
Post-election reports sent by registered or certified mail must be postmarked no later than midnight December 4, 1986. Reports hand delivered or mailed first class must be received no later than close of business December 4, 1986.

WHERE AND HOW TO FILE

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

^{1/}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.

^{2/}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.

*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

90040793587

HARRY BRAUN

MAR 4 1986
REGULAR MAIL

February 30

RECEIVED
FEB 11 AM 9 29
U.S. HOUSE OF REPRESENTATIVES

Mr. Benjamin J. Guthrie
Clerk
U.S. HOUSE OF REPRESENTATIVES
Room 1036
Longworth House Office Building
Washington, D.C. 20515-6612

Subject: Non-Receipt of January 31, 1985 Year End
Report for Harry Braun for Congress
Committee.

113620

Dear Mr. Guthrie,

As per your letter of February 16th requesting a year end report on campaign receipts and disbursements, I have not filed a report because it is my understanding that it is not necessary to file such reports unless at least \$5,000 has been expended or received.

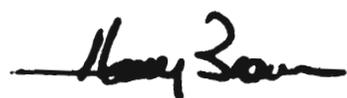
The Harry Braun for Congress Committee has not been active since November of 1984, thus our financial statement has not changed since we last filed in October 15th, 1984. In any case the amount was under the \$5,000 figure, and our finances have not changed since then.

Should the Harry Braun for Congress Committee again become active, and in the event we receive or expend more than \$5,000, we will be sure to conform with all necessary reporting procedures.

LT

If you have any specific questions, or if I am incorrect in the statements about the \$5,000 threshold limit with respect to financial reporting, please contact me by mail or by telephone.

Sincerely,



Harry Braun

HB/hb

95012931891

REPORTS OF RECEIPTS AND DISBURSEMENTS
For Authorized Committees

(Summary Page)

FEB 4 1987
FEC

1. NAME OF COMMITTEE

HARRY GRAY FOR CONGRESS LEVIN 7128

Address (Number and Street)

P.O. Box 24518

City, State and Zip Code

TEMPE ARIZONA 85282

Check if address is different than previous report

FEC Form 3-86 RECEIVED
JUL 6 30
CT

2. 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 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 Non-Election

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year to Date
3	Covering Period <u>April 1, 1986</u> through <u>July 31, 1986</u>		
4	Net Contributions (other than loans)	<u>500.00</u>	<u>500.00</u>
(a)	Total Contributions (other than loans) (From Line 4)	<u>500.00</u>	<u>500.00</u>
(b)	Total Contribution Refunds (From Line 20 (d))	<u>0</u>	<u>0</u>
(c)	Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))	<u>500.00</u>	<u>500.00</u>
5	Net Operating Expenditures		
(a)	Total Operating Expenditures (from Line 17)	<u>4,154.54</u>	<u>5,226.79</u>
(b)	Total Offsets to Operating Expenditures (from Line 14)	<u>0</u>	<u>0</u>
(c)	Net Operating Expenditures (subtract Line 7 (b) from 7 (a))	<u>4,154.54</u>	<u>5,226.79</u>
6	Cash on Hand at Close of Reporting Period (from Line 27)	<u>533.02</u>	
7	Debts and Obligations Owed TO The Committee (from Schedule C or Schedule D)	<u>0</u>	<u>0</u>
8	Debts and Obligations Owed BY The Committee (from Schedule C or Schedule D)	<u>5,226.79</u>	<u>5,226.79</u>

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 800 426 9630
Local 202 523 4068

Marguerite Moore
Type or Print Name of Treasurer

Marguerite Moore
SIGNATURE OF TREASURER

7-16-86 CT
Date

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 14.

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

REPORTS OF RECEIPTS AND DISBURSEMENTS
For Authorized Committee

FEB 4 1987

REGULAR MAIL

(Summary Page)

1 Name of Committee (In Full)
Harry Braun for Congress Committee

Address (Number and Street)
P.O. Box 26518

City, State and Zip Code
Tempe, Arizona 85282

2 FEC identification number
113620

3 Is this Report on a non-primary election?
 YES NO

Check if address is different than previously reported.

RECEIVED
FEB 11 1987
AM 8 30

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 Primary Election (Type at election on Sept. 9, 1986 in the State of Arizona)
- Thirtieth day report following the General Election of _____ in the State of _____
- Termination Report

This report contains information for: Primary Election General Election Special Election Runoff Election

9 2 7 0 A 1 0 7 3 9 1 5 2 3 9

SUMMARY		COLUMN A	COLUMN B
August 20, 1986		This Period	Calendar Year to Date
1 Total Receipts (from Line 1)		675.00	1,175.00
2 Total Disbursements (from Line 2)		0.00	
3 Net Campaign Fund Balance (Subtract Line 2 from Line 1)		675.00	1,175.00
4 Total Operating Expenses (Subtract Line 2 from Line 1)		11,386.05	16,612.84
5 Total Operating Expenses (from Line 14)		0.00	0.00
6 Total Operating Expenses (Subtract Line 5 from Line 4)		11,386.05	16,612.84
7 Cash on Hand at Close of Reporting Period (from Line 27)		277.14	
8 Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		0.00	
9 Debts and Obligations Owed BY The Committee (Itemize all on Schedule C or Schedule D)		15,812.11	

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
899 E Street, N.W.
Washington, D.C. 20543
T: Free 800 424 9540
Local 202 376 3100

Mary Irene Moore

Treasurer (Print Name of Treasurer)

Mary Irene Moore
SIGNATURE OF TREASURER

8-28-86
Date

L+

NOTE: This report is required to be filed with the Federal Election Commission by the person or persons filing this Report on the prescribed date.

REGULAR MAIL

(Summary Page)

1 Name of Committee (in Full)
Harry Braun for Congress Committee

Address (Number and Street)
P.O. Box 26518

City, State and Zip Code
Tempe, Arizona 85282

Check if address is different than previously reported

RECEIVED
 J. PSC
 11/28/86
 13 to the Report
 11/28/86
 Lt

TYPE OF REPORT

- April 15 Quarterly Report
- July 15 Quarterly Report
- Post-Primary Report through September 19, 1986**
- 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

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

9 8) 701410573 91 5 5 9

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year to Date
5	Covering Period Aug. 21, 1986 through Sept. 19, 1986		
6	Net Contributions (other than loans)		
	(a) Total Contributions (other than loans) (From Line 11 (a))	192.00	1,367.00
	(b) Total Contribution Refunds (From Line 20 (a))	0.00	0.00
	(c) Net Contributions (other than loans) (Subtract Line 6 (b) from 6 (a))	192.00	1,367.00
7	Net Operating Expenditures		
	(a) Total Operating Expenditures (From Line 17)	6,460.50	23,073.34
	(b) Total Offset to Operating Expenditures (From Line 18)	0.00	0.00
	(c) Net Operating Expenditures (Subtract Line 7 (b) from 7 (a))	6,460.50	23,073.34
8	Cash on Hand at Close of Reporting Period (From Line 27)	83.63	
9	Debts and Obligations Owed TO The Committee (Reported on Schedule C or Schedule D)	0.00	
10	Debts and Obligations Owed BY The Committee (Reported on Schedule C or Schedule D)	22,137.10	

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
 620 E Street, N.W.
 Washington, D.C. 20543
 Tel. Area 202-436-6000
 Local 202-576-9100

Mary Irene Moore

Treas or Treas Name of Treasurer

Mary Irene Moore

9-28-86

Lt

NOTE: Submission of false or untrue or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 14110.

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

FEB 4 1987

ATTACHMENT 9
1986 OCTOBER QUARTERLY REPORT

(Summary Page)

ROSHAR MAN

1. Name of Committee (in Full) **Harry Braun for Congress Committee**

2. P.C. Registration Number **113620**

Address (Number and Street) **P.O. Box 26518**

3. Is this Report an Amendment? YES NO

City, State and Zip Code **Tempe, AZ 85282** Check if address is different than previously reported

RECEIVED
FEB -9 AM 8
U.S. HOUSE OF REPRESENTATIVES

4. TYPE OF REPORT

April 15 Quarterly Report Twelfth day report preceding _____ (Type of Election)

July 15 Quarterly Report election on _____ in the State of _____

October 15 Quarterly Report Thirtieth day report following the General Election on _____ in the State of _____

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

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
Sept. 20, 1986 through Sept. 30, 1986		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (From Line 11 (a))	285.00	1,652.00
(b) Total Contribution Refunds (from Line 20 (a))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))	285.00	1,652.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	3,982.87	27,056.21
(b) Total Offsets to Operating Expenditures (from Line 18)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7 (b) from 7 (a))	3,982.87	27,056.21
8. Cash on Hand at Close of Reporting Period (from Line 27)	172.89	
9. Debts and Obligations Owed TO The Committee (Items 21 on Schedule C or Schedule D)	0.00	
10. Debts and Obligations Owed BY The Committee (Items 22 on Schedule C or Sched. 2 D)	26,024.23	

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

Mary Irene Moore

Type or Print Name of Treasurer

Mary Irene Moore
Secretary of the Treasurer

10-15-86
Date

For further information, contact:
Federal Election Commission
699 G Street, N.W.
Washington, D.C. 20540
Toll Free 800-424-6820
Local 202-576-3120

NOTE: Submission of false or erroneous or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 4470c.

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

PBC FORM 3 4

877410739135529A

1. Name of Candidate or Poll
Mary Irene Moore for Congress Committee

Address (Number and Street)
P.O. Box 26518

City, State and Zip Code
Tempe, AZ 85262

Check if address is different than previously reported

RECEIVED
 OCT 23 1986
 11 5 30

LT

4. TYPE OF REPORT

April 15 Quarterly Report Twelfth day report preceding _____ (Type of Election)

July 15 Quarterly Report election on _____ in the State of _____

October 15 Quarterly Report Thirtieth day report following the General Election on _____

Pre-General Report: **through October 15, 1986** in the State of _____

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	COLUMN B
Covering Period <u>Oct. 1, 1986</u> through <u>Oct. 15, 1986</u>		1986	Calendar Year-to-Date
5	Net Contributions (other than loans)		
(a)	Total Contributions (other than loans) (From Line 11 (a))	525.00	2177.00
(b)	Total Contribution Refunds (from Line 20 (b))	0.00	0.00
(c)	Net Contributions (other than loans) (subtract Line 5 (b) from 5 (a))	525.00	2177.00
7	Net Operating Expenditures		
(a)	Total Operating Expenditures (from Line 17)	1127.05	28,183.26
(b)	Total Offsets to Operating Expenditures (from Line 16)	0.00	0.00
(c)	Net Operating Expenditures (subtract Line 7 (b) from 7 (a))	1127.05	28,183.26
8	Cash on Hand at Close of Reporting Period (from Line 27)	53.72	
9	Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	0.00	
10	Debts and Obligations Owed BY The Committee (Itemize all on Schedule C or Schedule D)	86,737.11	

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
 435 E Street, N.W.
 Washington, D.C. 20540
 Tel. (202) 424-6500
 Local (202) 576-5120

Mary Irene Moore
 Title or Print Name of Treasurer

Mary Irene Moore
 Signature of Treasurer

10-23-86
 Date

LT

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

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

8701331252395

SENSITIVE

87 APR 14 9:41
RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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

FIRST GENERAL COUNSEL'S REPORT

RAD Referral 87NF-76
Staff Member: Delanie D. Painter

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D
RESPONDENTS: The Harry Braun for Congress Committee, and
Mary Irene Moore, as treasurer
RELEVANT STATUTE: 2 U.S.C. § 434(a)(2)(A)(i) and (iii)
11 C.F.R. 104.5(a)(1)(i) and (iii)

INTERNAL REPORTS CHECKED: Respondent's Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a referral from the Reports
Analysis Division.

II. SUMMARY OF ALLEGATIONS

The Harry Braun for Congress Committee ("the Committee")
failed to file four reports in a timely manner during the 1986
election year. Respondents filed the reports on February 9,
1987, between 109 and 209 days late. Specifically, respondents
filed the 1986 July Quarterly report 209 days late, the 12 Day
Pre-Primary Report 165 days late, the October Quarterly Report
117 days late, and the 12 Day Pre-General Report 109 days late.
The only report respondents submitted in a timely manner was the
30 day Post-General Report filed on December 8, 1986.

The Commission gave respondents Prior Notice for all reports
after the 12 day Pre-Primary Report. Since it was not known that
the candidate was actually running for office until his name
appeared on the "Primary Ballot List" received by the Commission

90040793594

in July, 1986, notice was not sent for the July report. The Commission did not send Nonfiler Notices to respondents for the 1986 reports, or publish the committee's name as authorized by 2 U.S.C. § 437g(b) because respondents did not file any report indicating financial activity until December 8, 1986. The candidate had filed a statement on March 1, 1986, stating that his committee would file the necessary reports when he received or expended more than \$5000, and attained candidate status as defined by 2 U.S.C. § 431(a). Since the Commission never received any reports, there was no reason to believe that the candidate had attained candidate status.

The respondents have not offered any explanation for the extremely late filing of these reports. It should be noted that the Committee treasurer signed and dated each report with a date different from the actual filing date of February 9, 1987, and close to the original filing deadline for each report. The cause of this discrepancy is unclear. Either the reports were actually prepared on the dates indicated, but never sent to the Commission, or the late reports were backdated to conform to the date each report was due.

III. FACTUAL AND LEGAL ANALYSIS

According to the Federal Election Campaign Act of 1971, as amended, an authorized political committee for a congressional candidate must file a pre-election report no later than the 12th day before any primary or general election. 2 U.S.C. § 434(a)(2)(A)(i). The Committee must also file quarterly

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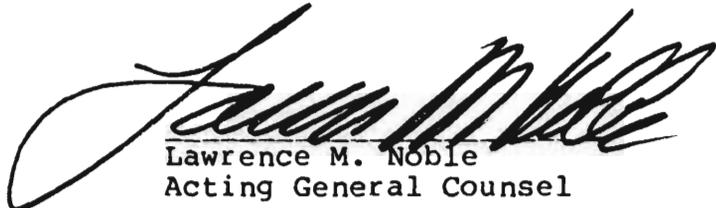
reports no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434 § 434(a)(2)(iii). See also 11 C.F.R. § 104.5(a)(1)(i) and (iii). There is reason to believe that respondents failed to meet the statutory requirement of timely filing. All four reports were filed over 100 days late. Respondents have not offered any explanation for the extremely late filing dates.

Therefore, this Office recommends that the Commission open a Matter under Review and find reason to believe respondents violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii).

IV. RECOMMENDATIONS

1. Open a Matter Under Review.
2. Find reason to believe that the Harry Braun for Congress Committee and Mary Irene Moore, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii).
3. Approve and send the attached letter and Factual and Legal Analysis.

90040793590
4/13/87
Date


Lawrence M. Noble
Acting General Counsel

Attachments

Referral
Letter and Factual and Legal Analysis

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
The Harry Braun for Congress Committee, and
Mary Irene Moore, as treasurer

)
)
) RAD Ref. 87NF-76
) (MUR 2387)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal
Election Commission, do hereby certify that on April 16,
1987, the Commission decided by a vote of 6-0 to take
the following actions in RAD Ref. 87NF-76:

1. Open a Matter Under Review.
2. Find reason to believe that the Harry Braun for Congress Committee and Mary Irene Moore, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii).
3. Approve and send the letter and Factual and Legal Analysis, as recommended in the First General Counsel's Report signed April 13, 1987.

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

Attest:

4-17-87
Date

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

Received in the Office of Commission Secretary:	Tues.,	4-14-87,	9:41
Circulated on 48 hour tally basis:	Tues.,	4-14-87,	4:00
Deadline for vote:	Thurs.,	4-16-87,	4:00

00040793597



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 23, 1987

Mary Irene Moore, Treasurer
Harry Braun for Congress Committee
P.O. Box 26518
Tempe, Arizona 85282

RE: MUR 2387
Harry Braun for Congress
Committee
Mary Irene Moore, as treasurer

Dear Ms. Moore:

On April 16, 1987, the Federal Election Commission found reason to believe the Harry Braun for Congress Committee ("the Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii), provisions of the Federal Election Campaign Act of 1971, as amended ("The Act"). The 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 the Committee, and you, as treasurer. 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 the 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 the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be 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 a brief on probable cause has been mailed to the respondents.

00040793598

John

Letter to Mary Irene Moore
Page 2

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notification 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 Delanie D. Painter, the attorney 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

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9
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3
7
9
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0
0
9

**HARRY
Braun**

U.S. CONGRESS

600#3301

87 MAY 5 PM 2:20

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

1 May 1987

Ms. Delanie D. Painter
Legal Council
Office of the General Council
FEDERAL ELECTIONS COMMISSION
999 E Street N.W.
Washington, D.C. 20463

Subject: Letter of April 23 1987 from Mr. Scott E. Thomas, Chairman
of the FEC, to Miss Mary Irene Moore, Treasurer of the
Harry Braun for Congress Committee, regarding MUR 2387.

Dear Ms. Painter,

This letter is in response to the letter sent to our campaign
treasurer, Miss Mary I. Moore, by Mr. Scott E. Thomas on April 23rd.
Please note that I did not pick this letter up from the post office
until this afternoon (May 1st).

As indicated in the letter from Mr. Thomas, we have an opportunity
to demonstrate that no action should be taken against the Harry
Braun for Congress Committee. We appreciate the opportunity to
explain why it appeared as though we were not filing our FEC
campaign expenditure reports.

In point of fact, we did file all of the necessary FEC financial
disclosure forms in a timely manner. However, we were under the
impression that we were supposed to file all of our financial
statements with the Arizona Secretary of State's office, which we
did do. We were under the impression that once the forms were filed
at the Secretary of State's office, they would then be forwarded to
the FEC. The fact that we did file the necessary FEC forms on time
can be verified by contacting the Secretary of State's office. As
such, what we are guilty of is mistakenly filling the forms at the
wrong location. However, we did not deliberately avoid filing the
necessary FEC forms.

Let me also say that I assume full legal responsibility for any
legal infractions that may have been inadvertently violated. The
treasurer of our campaign committee is not an attorney, accountant
or CPA. She was kind enough to volunteer some of her time to help

03040793600

MARY MOORE, TREASURER

4 EAST UNIVERSITY

TEMPE, ARIZONA 85281

(602) 844-9324



Ms. Delanie D. Painter
Legal Council
FEDERAL ELECTIONS COMMISSION
Page Two

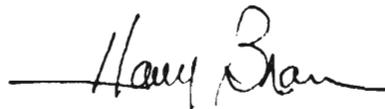
out as did all of the members of our campaign. We did not have any paid staff members, either part time or full time, and frankly, there are so many details to try and deal with in a congressional campaign, that even if one had a full-time paid staff to handle all of these legal matters, it would still be a difficult task. Thus, while I certainly apologize for this reporting error, I can assure you that I will be happy to testify under oath that this was an honest mistake; that we did not, in any way, knowingly violate any FEC campaign reporting rules.

If the Harry Braun for Congress Campaign Committee must settle this matter in court, please be advised that we will not be retaining the services of an attorney. We simply do not have the resources to expend at this time. After you have reviewed the facts outlined in this letter, we hope that you will agree that such legal action is both inappropriate and unnecessary.

Should you or your staff require any additional information, please give me a call. I can assure you that I, Miss Moore, or any other member of our campaign committee will cooperate fully in providing any information you request.

I wish to again apologize for the inconvenience we have caused by our oversight in filing our statements at the wrong place.

Sincerely,



Harry Braun
Former Candidate

HB/hb

cc: Mr. Scott E. Thomas
Chairman
Federal Election Commission

90040793601

HARRY
Braun

U.S. CONGRESS

RECEIVED AT THE FEC
GC# 3419
87 MAY 20 P12: 25

13 May 1987

Ms. Delanie D. Painter
Legal Council
Office of the General Council
FEDERAL ELECTIONS COMMISSION
999 E Street N.W.
Washington, D.C. 20463

Subject: Telephone conversation on 12 May regarding the
Harry Braun for Congress Committee (MUR 2387) case
currently under review.

Dear Ms. Painter,

Thank you for your telephone call regarding my letter of 1 May 1987.

As I indicated in the letter and in our telephone conversation, I am hopeful that no legal action will be taken against the Harry Braun for Congress Committee for our oversight in filling our FEC financial disclosure forms at the Secretary of State's office rather than with the FEC directly.

In that regard, I am requesting pre-probable cause conciliation.

Should you or your staff require any additional information, please give me a call. Thank you again for your assistance in this matter.

Sincerely,



Harry Braun
Former Candidate

HB/hb

87 MAY 20 P 2: 54

RECEIVED
OFFICE OF THE
GENERAL COUNCIL

00040793602

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Harry Braun for Congress Committee)	MUR 2387
Mary Irene Moore, as treasurer)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 16, 1987, the Federal Election Commission found reason to believe that the Harry Braun for Congress Committee ("the Committee") and Mary Irene Moore, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii) by failing to file the 1986 July Quarterly, 12 Day Pre-Primary, October Quarterly and 12 Day Pre-General Reports in a timely manner. By letter dated May 13, 1987, respondents requested to settle this matter prior to a finding of probable cause to believe (Attachment 1).

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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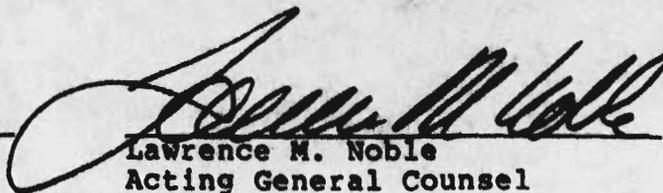
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III. RECOMMENDATIONS

1. Enter into conciliation with the Harry Braun for Congress Committee and Mary Irene Moore, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Date

6/25/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Request for conciliation
2. Proposed agreement and letter

00040793606



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

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

DATE: JUNE 26, 1987

SUBJECT: OBJECTION TO MUR 2387 - General Counsel's Report
Signed June 25, 1987

The above-captioned document was circulated to the Commission on Friday, June 26, 1987 at 12:00 P.M.

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

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

This matter will be placed on the Executive Session agenda for July 7, 1987.

Please notify us who will represent your Division before the Commission on this matter.

90040793607

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Harry Braun for Congress Committee) MUR 2387
Mary Irene Moore, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 7, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2387:

1. Enter into conciliation with the Harry Braun for Congress Committee and Mary Irene Moore, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter attached to the General Counsel's report dated June 25, 1987,

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

Attest:

7-8-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

90040793508



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 10, 1987

Mary Irene Moore, Treasurer
Harry Braun for Congress Committee
4 East University
Tempe, Arizona 85281

RE: MUR 2387
Harry Braun for Congress
Committee, and Mary Irene
Moore, as treasurer

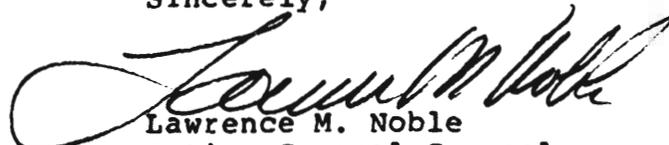
Dear Ms. Moore:

On April 16, 1987, the Federal Election Commission found reason to believe that the Harry Braun for Congress Committee ("the Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii). At your request, on July 7, 1987, the Commission determined 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 you 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 Delanie D. Painter, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

90040793609

film

CONFIDENTIAL

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

87 NOV 18 AM 11:52

In the Matter of)
)
Harry Braun for Congress Committee)
and Mary Irene Moore, as treasurer)

MUR 2387

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Harry Braun for Congress Committee and Mary Irene Moore, as treasurer, based on the assessment of the information presently available.

11/17/87
Date

Lawrence M. Noble
Lawrence M. Noble
General Counsel

90040793610

SENSITIVE

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

87 NOV 25 PH 4: 01



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 25, 1987

MEMORANDUM

TO: The Commission
FROM: Lawrence M. Noble *LMN*
General Counsel
SUBJECT: MUR 2387

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 November 25, 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

90040793611



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 25, 1987

Mary Irene Moore, Treasurer
Harry Braun for Congress Committee
4 East University
Tempe, Arizona 85281

RE: MUR 2387
Harry Braun for Congress
Committee and Mary Irene
Moore, as treasurer

Dear Ms. Moore:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission on April 16, 1987, found reason to believe that the Harry Braun for Congress Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii), 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.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible. The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

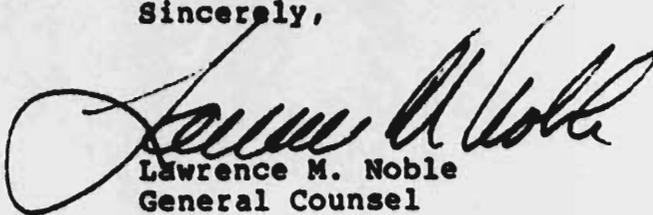
If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extension of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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Letter to Mary Irene Moore
Page 2

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

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

90040793613

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Harry Braun for Congress Committee) MUR 2387
and Mary Irene Moore, 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 Harry Braun for Congress Committee ("the Committee") is the principal campaign committee of Harry Braun who was seeking election to the U.S. House of Representatives for Arizona's 1st Congressional District in 1984 and 1986. Mary Irene Moore is the treasurer of the Committee.

In 1984, the Committee filed with the Clerk of the House the following reports: a Statement of Candidacy, a Statement of Organization, a 12-Day Pre-Primary Election Report and an October Quarterly Report. The filings took place at a time when the Committee had not exceeded \$5,000 in either contributions or expenditures.^{1/}

When the Committee failed to file the 1984 Year End Report, the Clerk of the House on February 14, 1985, sent the Committee a letter advising it of its reporting obligation. In a March 4th reply, Harry Braun noted that until the \$5,000 threshold was

^{1/} The 1984 Pre-Primary Report indicates that the Braun campaign in the primary had receipts of \$690 and disbursements of \$683. The 1984 October Quarterly Report shows that receipts were \$2,127 and disbursements were \$2,087.

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crossed, the Committee was not obligated to file. Harry Braun, however, declared his intention that the Committee (inactive at that time) would, if active again, comply with all reporting procedures once the \$5,000 threshold was crossed.

In 1986, Harry Braun again ran for Congress. He did not, however, file a Statement of Candidacy after attaining candidate status, nor did his committee amend or file a Statement of Organization.^{2/}

The Committee filed with the Arizona Secretary of State its 1986 July Quarterly Report, its 1986 12 Day Pre-Primary Election Report, its 1986 October Quarterly Report and its 1986 Pre-General Election Report. These reports were not filed with the Clerk of the House at that time. On December 8, 1986, the Committee filed with the Clerk of the House its Post General Election Report. This represents the first filing received by the Commission since the 1984 campaign. On February 8, 1987, the Committee filed with the Clerk of the House, the four reports previously filed with Arizona. The July Quarterly Report was due on July 15, 1986; the 12 Day Pre-Primary Report was due on August 28, 1986; the October Quarterly Report was due on October 15, 1986; and the Pre-Election Report was due on October 23,

^{2/} Harry Braun reached candidate status during the period covered by the 1986 July Quarterly report. This report discloses receipts of \$5,154 and disbursements of \$4,654.

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1986. According to the deadlines set by 2 U.S.C. § 434(a)(2)(A)(i) and (iii), these reports were between 109 and 209 days late.

On April 16, 1987, the Commission determined that there was reason to believe that the Committee and Mary Irene Moore, as treasurer, had violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii) by the four late filings.

II. LEGAL ANALYSIS

An individual becomes a candidate for purposes of the Federal Election Campaign Act of 1971, as amended ("the Act"), when his campaign exceeds \$5,000 in either contributions or expenditures. 2 U.S.C. § 431(2). When this occurs, the Act requires that no later than 15 days after becoming a candidate, the individual must file the statement of candidacy designating his principal campaign committee. 2 U.S.C. § 432(e)(1). The committee must, in turn, file a statement of organization within 10 days after the designation. 2 U.S.C. § 433(a).

The Act requires that an authorized political committee file a pre-election report no later than the 12th day before any primary or general election. 2 U.S.C. § 434(a)(2)(A)(i). The Committee must also file quarterly reports no later than the 15th day after the last day of each quarter. 2 U.S.C. § 434(a)(2)(A)(iii).

Principal campaign committees of House candidates must file reports with the Clerk of the House, who acts as custodian for

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the Commission. 2 U.S.C. § 432(g)(1). See also 11 C.F.R. § 105.1. The reports must also be filed with the secretary of state or appropriate election official of the state in which the House candidate is seeking Office. 2 U.S.C. § 439(a)(1).

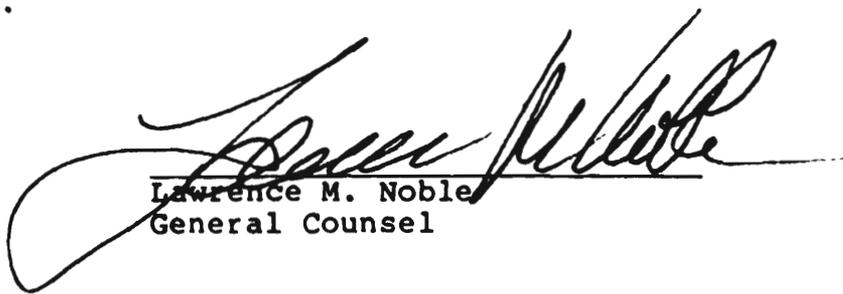
After Harry Braun became a candidate within the meaning of the Act, the Committee filed with the Clerk of the House the July Quarterly Report 209 days late, the 12-Day Pre-Primary Report 165 days late, the October Quarterly Report 117 days late, and the Pre-General Election Report 109 days late. A failure to file these reports within the required time frame is a violation of the Act.

The Committee's filings with Arizona officials did not excuse or relieve it of its obligation to file with the Clerk of the House since the Committee is required by the Act to file with both the Clerk of the House and Arizona state authorities. Therefore, the Office of the General Counsel recommends that the Commission find probable cause to believe that the Committee and Mary Irene Moore, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii).

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe the Harry Braun for Congress Committee and Mary Irene Moore, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii).

11/23/87
Date


Lawrence M. Noble
General Counsel

20040775617

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

88 JAN 22 AM 11:00

In the Matter of)
)
Harry Braun for Congress Committee)
and Mary Irene Moore, as treasurer)

MUR 2387

SENSITIVE

**EXECUTIVE SESSION
FEB 02 1988**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 16, 1987, the Commission found reason to believe that the Harry Braun for Congress Committee (the "Committee") and Mary Irene Moore, as treasurer, violated Section 434(a)(2)(A)(i) and (iii) by filing late four reports: the 1986 July Quarterly Report, the 1986 12 Day Pre-Primary Election Report, the 1986 October Quarterly Report and the 1986 General Election Report.

A request by the Committee for pre-probable cause conciliation was approved by the Commission on July 7, 1987. However, efforts to reach a settlement failed and led to an October 6, 1987, decision by the Commission to proceed to the next stage in the enforcement process.

On November 25, 1987, this Office sent its brief to the Committee recommending that the Commission find probable cause to believe that respondents violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii). The candidate on behalf of the Committee contacted this Office on December 9, 1987, and stated that the Committee would not respond to the brief. Although the treasurer on December 10, 1987, notified this Office that a brief would be filed, no brief or communication has been received.

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II. ANALYSIS

The legal analysis of the Office of General Counsel is set out in its probable cause brief circulated to the Commission on November 18, 1987.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

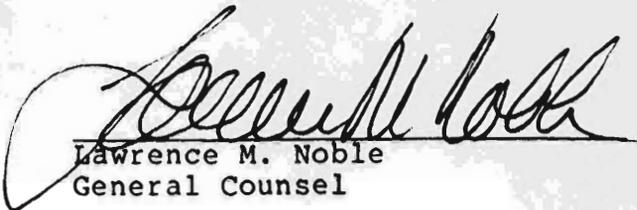
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IV. RECOMMENDATIONS

1. Find probable cause to believe that Harry Braun for Congress Committee and Mary Irene Moore, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii).
2. Approve the attached conciliation agreement and letter.

Date

1/21/88


Lawrence M. Noble
General Counsel

Attachments

1. Proposed conciliation agreement
2. Proposed letter

Staff Person: Michael Marinelli

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Harry Braun for Congress Committee) MUR 2387
and Mary Irene Moore, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of February 2, 1988, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2387:

1. Find probable cause to believe that Harry Braun for Congress Committee and Mary Irene Moore, as treasurer, violated 2 U.S.C. §§ 434(a)(2)(A)(i) and (iii).
2. Approve the conciliation agreement and letter attached to the General Counsel's report dated January 21, 1988.

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

Attest:

2/2/88
Date

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

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plm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 4, 1988

Mary Irene Moore, Treasurer
Harry Braun for Congress Committee
4 East University
Tempe, Arizona 85281

RE: MUR 2387

Dear Ms. Moore:

On February 2, 1988, the Federal Election Commission found that there is probable cause to believe the Harry Braun for Congress Committee, and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with failing to file the 1986 July Quarterly Report, the 1986 12 Day Pre-Primary Election Report, the 1986 October Quarterly Report and the 1986 General Election Report.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within 10 days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Michael Marinelli, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

90040793622



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 18, 1988

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mary Irene Moore, Treasurer
Harry Braun for Congress
Committee
P.O. Box 26518
Tempe, Arizona 85282-0180

RE: MUR 2387

Dear Ms. Moore:

On February 2, 1988, the Federal Election Commission found that there is probable cause to believe the Harry Braun for Congress Committee, and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with failing to file the 1986 July Quarterly Report, the 1986 12 Day Pre-Primary Election Report, the 1986 October Quarterly Report and the 1986 General Election Report.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within 10 days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

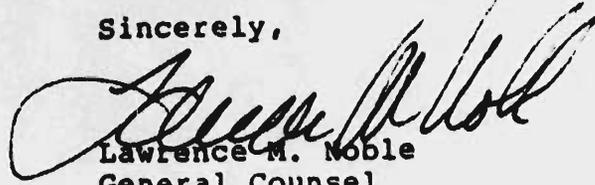
If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation

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Letter to Mary Irene Moore, Treasurer
Page 2

agreement, please contact Michael Marinelli, the staff member
assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

83 APR 11 PM 1:49

In the Matter of)
)
Harry Braun for Congress Committee) MUR 2387
and Mary Irene Moore, as treasurer)

EXECUTIVE SESSION
APR 19 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

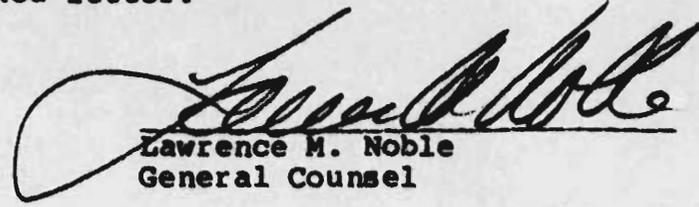
On February 2, 1988, the Commission found probable cause to believe that the Harry Braun for Congress Committee (the "Committee") and Mary Irene Moore, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii). On that date, the Commission also approved a conciliation agreement to be sent to the respondents. On February 4, 1988, this Office sent the notification letter and proposed agreement to the respondents. On February 18, 1988, the notification letter was remailed to respondent's new address.

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II. RECOMMENDATIONS

1. Authorize the Office of the General Counsel to file a civil suit for relief in the United States District Court against the Harry Braun for Congress Committee and Mary Irene Moore, as treasurer.
2. Approve the attached letter.

Date 4/11/88


Lawrence M. Noble
General Counsel

Attachments

1. Response of the Harry Braun for Congress Committee
2. Proposed letter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Harry Braun for Congress Committee) MUR 2387
and Mary Irene Moore, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 19, 1988, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2387:

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- 1.
2. Authorize the Office of the General Counsel to file a civil suit for relief in the United States District Court against the Harry Braun for Congress Committee and Mary Irene Moore, as treasurer, if the above-noted agreement is not accepted within ten days.
3. Authorize the Office of the General Counsel to send an appropriate letter.

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

Attest:

4-20-88
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mary Irene Moore, Treasurer
Harry Braun for Congress Committee
P.O. Box 26518
Tempe, Arizona 85282-0180

27 April, 1988

RE: MUR 2387
The Harry Braun for Congress
Committee and Mary Irene
Moore, as treasurer

Dear Ms. Moore:

You were previously notified that on February 18, 1988, the Federal Election Commission found probable cause to believe that The Harry Braun for Congress Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i) and (iii), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the captioned matter.

As a result of our inability to settle this matter through conciliation within the allowable time period, the Commission has authorized the General Counsel to institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Ivan Rivera, Assistant General Counsel, at (202) 376-8200 within five days of your receipt of this letter.

Sincerely,

(original signed)

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2387

DATE FILMED 8/24/90 CAMERA NO. 3

CAMERAMAN AS

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