FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

M03-14-88

THE FOLLOWING MATERIAL IS BEING ADDED TO THE PUBLIC FILE OF CLOSED MUR 2477

R 8 0 4 0 5 6 0 0 0 2

[redacted]

ACC#4920

MEMORANDUM

TO: DEBRA A. TRIMIEW

FROM: CECILIA LIEBER

TO: CECILIA LIEBER

FROM: Michele Broussard ~~DEBRA A. TRIMIEW~~

CHECK NO. 111059 { A COPY OF WHICH IS ATTACHED } RELATING TO MUR 2477 (Jones-Smith) AND NAME Dean Witter Reynolds Fund for Better Gov't and Eugene C. Rogers, as treasurer.

WAS RECIEVED ON 12/10/87. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

/ / BUDGET CLEARING ACCOUNT { 95F3875.16 }

/ X / CIVIL PENALTIES ACCOUNT { 95-1099.160 }

/ / OTHER _____

SIGNATURE Michele Broussard DATE 12/10/87

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 DEC 10 AM 3:44

[redacted]

GCC#4920

DEAN WITTER REYNOLDS INC.
#5 World Trade Center, New York, NY 10048
Telephone (212) 524-6466

ALAN M. DISCIULLO
Vice President, Law Department
Senior Attorney

December 7, 1987

Jacqueline Jones-Smith, Esq.
Federal Election Commission
999 East Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 DEC -9 AM 9:10

RE: MUR 2477
Dean Witer Reynolds Fund for Better Government
and Eugene C. Rogers, as treasurer

Dear Ms. Jones-Smith:

In accordance with the Conciliation Agreement reached in this matter, enclosed is a check in the amount of $250.00 that Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer agreed to pay as a civil penalty to the Federal Elections Commission.

The Respondents intend to submit materials that they intended to appear on the public record. I would appreciate your seeing that these materials become part of the public record.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 DEC 10 AM 3:44

Very truly yours,

Alan M. DiSciullo, Esq.

Enclosure

cc: D. Davidson
C. Edwards
M. Gregg
E. Rogers

AMD:amc

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
87 DEC -9 AM 8:46

8 8 0 4 0 5 0 0 0 4

UCHER IMBER	INVOICE NUMBER	PURCHASE ORDER	INVOICE DATE	AMOUNT	DISCOUNT	NET AMOUNT
)036	03Nov87		110387			250.00

PLEASE DETACH BEFORE DEPOSITING

DEAN WITTER REYNOLDS INC.

NEW YORK, NEW YORK

537

111059

62-20
311

DATE	CHECK NO.	NET AMOUNT
11/12/87	111059	250.00

DEAN WITTER REYNOLDS 250 00 CTS

EXPENSES PAYABLE CHECK

TO THE ORDER OF Federal Election Commission

DEAN WITTER REYNOLDS INC

NOT VALID AFTER 180 DAYS

Citibank (Delaware) CITICORP

A subsidiary of Citicorp.

⑈111059⑈ ⑆031100209⑆ 38703764⑈

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2477

DATE FILMED 9/25/88 CAMERA NO. 4

CAMERAMAN GPC

8804058411 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 22, 1987

MEMORANDUM

TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: QUARTERLY FILERS (UNAUTHORIZED COMMITTEES) WHICH FAILED TO FILE THE 1986 12 DAY PRE-GENERAL REPORT BY ELECTION DAY

The attached list of unauthorized committees consists of forty-nine (49) quarterly filers which failed to file a 1986 12 Day Pre-General Report by Election Day, November 4, 1986. In accordance with Standard 3 of the RAD Review and Referral Procedures, further examination is required by your office.

Unlike the mandatory reporting requirement placed upon monthly filers, 2 U.S.C. §434(a)(4)(A)(ii) requires quarterly filers to submit 12 Day Pre-General Reports only if the committees make contributions to or expenditures on behalf of federal candidates involved in the general election. All unauthorized committees were sent prior notification regarding the pre- and post-general filing requirements on September 29, 1986 (Attachment 50).

The Party/Non-Party Branch conducted a thorough examination to identify quarterly filers disclosing contributions or expenditures between October 1 and October 15, 1986. The research revealed committees that submitted:

a) 12 Day Pre-General Reports in an untimely manner;

b) 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed; and

c) Year End Reports indicating that 12 Day Pre-General Reports should have been filed.

ATTACHMENT 1

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For your information, the pertinent supporting documentation on each committee has been arranged in alphabetical order. Statistics on all C indices only reflect activity through December 31, 1986. Any reports disclosing activity in 1987 have not been reviewed.

The following committees were previously referred either to your office or to the Audit Division for a possible 2 U.S.C. §438(b) audit.

(1)

(2)

(3)

(4)

(5)

(6)

If you have any questions, please contact Lisa J. Stolaruk at 376-2480.

Attachments

8 8 0 4 0 5 8 4 1 1 5

89040584116

C00108910 Dean Witter Reynolds Fund for Better Government 87MF-96

DEAN WITTER REYNOLDS FUND FOR BETTER GOVERNMENT

(Attachments 11a - 11e)

8 8 0 4 0 5 8 4 1 1 7

8 8 0 4 0 5 8 4 1 1 8

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)

DATE 27APR87
PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
DEAN WITTER REYNOLDS FUND FOR BETTER GOVERNMENT				NON-PARTY QUALIFIED		ID C00108910
CONNECTED ORGANIZATION: DEAN WITTER REYNOLDS ORGANIZATION INC						
1985	APRIL QUARTERLY	8,847	4,000	1JAN85 -31MAR85	6	85FEC/371/3422
	JULY QUARTERLY	7,252	7,000	1APR85 -30JUN85	7	85FEC/378/0999
	OCTOBER QUARTERLY	4,411	2,100	1JUL85 -30SEP85	5	85FEC/389/1828
	YEAR-END	2,446	7,500	1OCT85 -31DEC85	6	86FEC/395/5105
	YEAR-END - AMENDMENT	-	-	1OCT85 -31DEC85	2	86FEC/402/4506
	1'ST LETTER INFORMATIONAL NOTICE			1OCT85 -31DEC85	1	86FEC/402/0898
1986	APRIL QUARTERLY	13,346	7,000	1JAN86 -31MAR86	8	86FEC/407/3472
	JULY QUARTERLY	6,668	11,650	1APR86 -30JUN86	7	86FEC/419/0741
	OCTOBER QUARTERLY	6,668	11,650	1APR86 -30JUN86	3	86FEC/432/4331
	OCTOBER QUARTERLY	3,048	11,475	1JUL86 -30SEP86	7	86FEC/438/0130
	POST-GENERAL	716	8,000	1OCT86 -24NOV86	5	87FEC/4[illegible]/4125
	POST-GENERAL - AMENDMENT	716	8,000	1OCT86 -24NOV86	4	87FEC/4[illegible]/3770
	NOTICE OF FAILURE TO FILE			24NOV86	1	86FEC/452/1410
	REQUEST FOR ADDITIONAL INFORMATION			1OCT86 -24NOV86	1	87FEC/455/3189
	YEAR-END	16,346	10,250	1OCT86 -31DEC86	7	87FEC/463/0924
	YEAR-END - AMENDMENT	16,346	10,250	1OCT86 -31DEC86	8	87FEC/463/0812
	REQUEST FOR ADDITIONAL INFORMATION			1OCT86 -31DEC86	1	87FEC/462/2814
	TOTAL	63,080 0	68,975 0		79	TOTAL PAGES

All reports listed above have been reviewed.

Ending cash-on-hand as of 12/31/86: $35,958
Debts as of 12/31/86: $0

Attachment 11a

DEAN WITTER REYNOLDS INC.
62 World Trade Center, New York, NY 10048
Telephone (212) 536-2222

RECEIVED AT THE FEC
87 JAN [illegible] : 08

Attachment 11b

December 31, 1986

Mr. John D. Gibson
Assistant Staff Director
Federal Election Commission
999 E Street NW
Washington, DC 20463

Dear Mr. Gibson:

Enclosed is our post-general election report covering the period October 1, 1986 through November 24, 1986. I can assure you that I was unaware of this filing requirement.

I would like to apologize for any inconvenience that might be incurred by the Federal Election Commission.

Very truly yours,

Eugene C. Rogers
Senior Vice President
and Treasurer

ECR/kt
enc.

8 7 1 3 4 5 2 4 1 2 5

Attachment 11c

RECEIVED AT THE FEC

87 JAN 2 P1:17

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

(Summary Page)

1. Name of Committee (In Full)

Dean Witter Reynolds Fund Ser

Better Government

Address (Number and Street)

130 Liberty Street
New York, NY 10006

City, State and ZIP Code

New York, NY 10006

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C00109810

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report ☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-Election Year Only)

☐ Monthly Report for _____

☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____

☒ Thirtieth day report following the General Election on Nov 4, 1986 in the State of New York

☐ Termination Report

(b) Is this Report an Amendment?

☐ YES ☐ NO

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period Oct 1, 1986 through November 24, 1986		
6. (a) Cash on hand January 1, 19 86		$ 36,922.79
(b) Cash on Hand at Beginning of Reporting Period	$ 29,861.73	
(c) Total Receipts (from Line 18)	$ 716.32	$ 23,780.26
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 30,578.05	$ 60,703.05
7. Total Disbursements (from Line 28)	$ 8,000.00	$ 38,125.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 22,578.05	$ 22,578.05
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	$	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	$	

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

Eugene C. Rogers
Type or Print Name of Treasurer

[signature]
SIGNATURE OF TREASURER

Date

For further information contact:

Federal Election Commission
[illegible] E Street, N.W.
Washington, D.C. [illegible]
Toll Free [illegible]
Local [illegible]

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 3X (3/80)

3 7 8 1 3 0 4 5 0 4 4 4 1 2 0

Attachment 11d

[illegible] Form 3X (Rev. 1/92)

Name of Reporting Entity	Period Covering This Report From 10/1/96 To 11/24/96		
Dean Witter Reynolds Fund (aka Retiree Committee)	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) From:			
(a) Individuals/Persons Other Than Political Committees (Attach Itemized Schedule A)	$ 716.32	$ 23,780.26	11(a)
(b) Political Party Committees			11(b)
(c) Other Political Committees			11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))			11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			12
13. ALL LOANS RECEIVED			13
14. LOAN REPAYMENTS RECEIVED			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17. OTHER RECEIPTS (Dividends, Interest, etc.)			17
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	$ 716.32	$ 23,780.26	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES			19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES NO	$ 8,000.00	$ 38,125.00	21 NO
22. INDEPENDENT EXPENDITURES (use Schedule E)			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. § 441 a(d)) (Use Schedule F)			23
24. LOAN REPAYMENTS MADE			24
25. LOANS MADE			25
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			26(a)
(b) Political Party Committees			26(b)
(c) Other Political Committees			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))			26(d)
27. OTHER DISBURSEMENTS			27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	$ 8,000.00	$ 38,125.00	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)			29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)			30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)			31
32. TOTAL OPERATING EXPENDITURES from Line 19			32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15			33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)			34

Attachment 1b

SCHEDULE B — ITEMIZED DISBURSEMENTS

The amounts entered for each category of the Detailed Summary Page | PAGE 1 OF 1 | FOR LINE NUMBER

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

NAME OF COMMITTEE (In Full)

Dean Witter Reynolds Fund for Better Government

	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code Mattingly for Senate Committee Georgia	Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify)	10/2/86	$ 1,000.00
B. Full Name, Mailing Address and ZIP Code D'Amato for Senate Committee New York	Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify)	10/2/86	1,000.00
C. Full Name, Mailing Address and ZIP Code Democratic Congressional Campaign Committee - Chairman's Council Michigan	Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify)	10/17/86	2,000.00
D. Full Name, Mailing Address and ZIP Code Doug Barnard Committee Georgia	Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify)	10/17/86	1,500.00
E. Full Name, Mailing Address and ZIP Code Neal for Congress Committee North Carolina	Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify)	10/29/86	500.00
F. Full Name, Mailing Address and ZIP Code Slade Gorton for Senate Committee Washington	Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify)	10/29/86	1,000.00
G. Full Name, Mailing Address and ZIP Code Campaign America Kansas	Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify)	10/31/86	1,000.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	
TOTAL This Period (last page this line number only)	$ 8,000.00

8,000.00 — 1 2 2

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

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRALS: 87MP-8[illegible]134
STAFF MEMBER: George F. Rishel

SOURCE OF MUR: INTERNALLY GENERATED

Dean Witter Reynolds Fund for Better Government
and Eugene C. Rogers, as treasurer

89040584123

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(ii)

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Report Analysis Division ("RAD") referred the above-listed 49 committees to the Office of the General Counsel on May 22, 1987. The basis of the attached referrals is their failure to either file a 12-day Pre-Election Report or file such report in a timely fashion.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall file a Pre-Election Report before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election. Such report shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) such election and shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii).

The 1986 Pre-Election Report for the 1986 General Election was due on October 23, 1986, complete as of October 15, 1986. Quarterly

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filers were notified on September 29, 1986, of the requirement for filing the Pre-Election Report.

The following committees filed a 12-Day Pre-Election Report, but did not file it in a timely fashion:

Committee	Date Filed	Pre-Election Activity

8 8 0 4 0 5 8 4 1 2 5

disclosed activity indicating a 12-Day Pre-Election Report should have been filed:

Committee	Date Filed1/	Pre-Election Activity
Dean Witter Reynolds Fund for Better Govt.	1-2-87 (71 days late)	$2,000 in contributions to two candidates

1/ The date filed is that on which the Post-General Election Report was filed. The number of days late is that for the filing of the 12-Day Pre-Election Report. In some cases, the Post-General Election Report was filed after December 4, 1986. The late filings of such reports, however, were not included as a basis for these referrals. Therefore, no recommendations have been made with respect to the late filing of any Post-General Election Report.

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8804058412 7

The following committees filed a Year End Report disclosing activity indicating that 12-Day Pre-Election Report should have been filed:

COMMITTEE	Date Filed[4/]	Pre-Election Activity

Accordingly, with regard to 48 of these 49 committees, the Office of the General Counsel recommends that the Commission open Matter Under Review and find reason to believe these committees

and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii). This Office recommends that the Commission decline to open a Matter Under Review [redacted]

III. RECOMMENDATIONS

1. Open Matters Under Review with respect to the following committees and find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii):

Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer

8 8 0 4 0 5 8 4 1 2 8

2. Approve and send the attached letters and factual and legal analyses to the respective committees listed in recommendation 1.

3.

6/10/87
Date

Lawrence M. Noble
Acting General Counsel

Attachments
1. Referral Materials
2. Letters and Factual and Legal Analyses (48)

9 8 0 4 0 5 8 4 1 2 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

RAD Ref.'s
87NF-86
THROUGH
87NF-134

Dean Witter Reynolds Fund for Better Government
and Eugene C. Rogers, as treasurer

8 8 0 4 0 5 8 4 1 3 0

(continued)

8 8 0 4 0 5 8 4 1 3 1

(continued)

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CERTIFICATION

I. Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 15, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref.'s 87NF-86 through 87NF-134:

1. Open Matters Under Review with respect to the following committees and find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii):

(continued)

Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer

8 9 0 4 0 5 8 4 1 3 3

(continued)

2. Approve and send the letters and factual and legal analyses to the respective committees listed in recommendation 1.

3

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

Attest:

6-16-87
Date

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

Received in Office of Commission Secretary: Thurs., 6-11-87, 12:34
Circulated on 48 hour tally basis: Thurs., 6-11-87, 4:00
Deadline for vote: Mon., 6-15-87, 4:00

8 8 0 4 0 5 8 4 1 3 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 29, 1987

Eugene C. Rogers, Treasurer
Dean Witter Reynolds Fund for
Better Government
130 Liberty Street
New York, N.Y. 10006

RE: MUR
Dean Witter Reynolds Fund for
Better Government and Eugene
C. Rogers, as treasurer

Dear Mr. Rogers:

On June 15, 1987, the Federal Election Commission found that there is reason to believe Dean Witter Reynolds Fund for Better Government ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii), a provision 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 that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating 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 pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter.

8 8 0 4 0 5 8 4 1 3 5

Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel will not ordinarily 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 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 Jacqueline Jones-Smith, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

9 8 0 4 0 5 6 8 4 1 3 6

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Dean Witter Reynolds
Fund for Better Government
and Eugene C. Rogers,
as treasurer

MUR:2477

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall file a Pre-Election Report before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election. Such report shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) such election and which shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii).

The 1986 Pre-Election Report for the 1986 General Election was due on October 23, 1986, and complete as of October 15, 1986. Quarterly filers were notified on September 29, 1986, of the requirement for filing the Pre-Election Report. The committee filed a 1986 Post-General Election Report that disclosed $2,000 in contributions to two candidates between October 1, 1986, and October 15, 1986. Thus, the committee was required to file a 12-Day Pre-Election Report by October 23, 1986, and complete as of October 15, 1986. The Committee did not file a report disclosing this activity until it filed its 1986 Post-General Election Report on January 2, 1987. Accordingly, the committee and its treasurer have violated 2 U.S.C. § 434(a)(4)(A)(ii).

9804058137

CCC# 3928

DEAN WITTER REYNOLDS INC.
#5 World Trade Center, New York, NY 10048
Telephone (212) 524-6466

ALAN M. DISCIULLO
Vice President, Law Department
Senior Attorney

July 13, 1987

87 JUL 15 A10:56

VIA DHL

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

RE: MUR 2477
Dean Witter Reynolds Fund for Better Government
and Eugene C. Rogers, as Treasurer

Dear Mr. Thomas:

Reference is made to the above matter concerning an alleged failure to file a pre-election report as required under 2 U.S.C. §434 (a) (4) (A) (ii). Your letter of June 29, 1987 notes that the respondent Dean Witter Reynolds Fund for Better Government failed to file such report and that it made Two Thousand Dollars ($2,000) in contributions to two candidates between October 1, and October 15, 1986, as was disclosed in the post election and subsequent quarterly reports.

Without admitting to the charges contained in your letter, respondents request that this matter be taken into the pre-probable cause conciliation suggested in your letter. During the years that respondent political action committee has existed, it has strictly complied with the federal election law and has not incurred any violations. If a violation occurred, as your letter alleges, it seems to have been inadvertent since both post election and quarterly reports were timely filed disclosing the pre-election contributions. Furthermore - while not excusing respondents' failure to file a pre-election return, if this did indeed occur - respondent has no record of receiving a September 29, 1986 notification from the Commission, as stated

8 8 0 4 0 5 8 4 1 3 8

in your letter, that it was required to file a pre-election return.

We would like to resolve this matter as quickly and as informally as possible and look forward to working with the Commission in a pre-probable cause proceeding.

Very truly yours,

Alan M. DiBello, Esq.

AMD:lad

cc: D. Davidson
E. Rogers

9804058139

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2477

NAME OF COUNSEL: Alan M. DiSciullo

ADDRESS: Dean Witter Reynolds Inc.
5 World Trade Center, 4th Floor
New York, NY 10048

TELEPHONE: (212)524-6466

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

July 13, 1987
Date

Eugene C. Rogers
Signature

RESPONDENT'S NAME: Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers

ADDRESS: 2 World Trade Center, 56th Floor
New York, NY 10048

HOME PHONE: (516) 536-4329

BUSINESS PHONE: (212)524-2126

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2477
Dean Witter Reynolds Fund for Better Government; Eugene C. Rogers, as treasurer	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 15, 1987, the Commission found reason to believe that Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file the 12-Day Pre-Election Report. By letter dated July 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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*/ The date filed is that on which the Post-General Election Report was filed that disclosed the activity indicating a 12-Day Pre-Election Report should have been filed.

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III. **RECOMMENDATIONS**

1. Enter into conciliation with Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer, prior to a finding of probable cause to believe.

2. Approve the attached proposed conciliation agreement and letter.

7/28/87
Date

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

Attachments
1. Request for conciliation
2. Proposed agreement and letter

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dean Witter Reynolds Funds for Better Government; Eugene C. Rogers, as treasurer	)	MUR 2477

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 3, 1987, the Commission decided by a vote of 5-0 to take the following actions in MUR 2477:

1. Enter into conciliation with Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer, prior to a finding of probable cause to believe.

2. Approve the proposed conciliation agreement and letter, as recommended in General Counsel's Report signed July 29, 1987.

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

Attest:

8-3-87
Date

Mary W. Dove for
Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Thurs., 7-30-87, 9:03
Circulated on 48 hour tally basis: Thurs., 7-30-87, 11:00
Deadline for vote: Mon., 7-30-87, 11:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 5, 1987

Alan M. DiSciullo, Esquire
Dean Witter Reynolds, Inc.
5 World Trade Center, 4th Floor
New York, NY 10048

Re: MUR 2477
Dean Witter Reynolds Fund
for Better Government and
Eugene C. Rogers, as
treasurer

Dear Mr. DiSciullo:

On June 15, 1987, the Federal Election Commission found reason to believe that Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii). At your request, on August 3, 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 your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 26, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alan M. DiSciullo, Esquire
Dean Witter Reynolds, Inc.
5 World Trade Center, 4th Floor
New York, NY 10048

RE: MUR 2477
Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer

Dear Mr. DiSciullo:

On August 5, 1987, you were notified that, at your request, the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30-day period for negotiations will soon expire. Unless we receive a response from you within 5 days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

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

Sincerely,

Lawrence M. Noble
Acting General Counsel

By: Lois G. Lerner
Associate General Counsel

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HAND DELIVERED

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87 NOV -6 AM 10:42

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DEAN WITTER REYNOLDS INC.
#5 World Trade Center, New York, NY 10048
Telephone (212) 524-6466

ALAN M. DISCIULLO
Vice President, Law Department
Senior Attorney

November 2, 1987

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

87 NOV -6 PM 12:12

Jacqueline Jones-Smith, Esq.
Federal Election Commission
999 East Street, N.W.
Washington, D.C. 20463

RE: MUR 2477
Dean Witter Reynolds Fund for Better Government
and Eugene C. Rogers, as treasurer

Dear Jacqueline:

Enclosed are two copies of the Conciliation Agreement to the above referenced matter, signed by W. Douglas Davidson, Chairman of the Dean Witter Reynolds Fund for Better Government. Please send me a fully executed copy for our files. I will take care of sending you the $250.00 check that the firm has agreed to as a civil penalty.

It has been a pleasure working with you in this matter.

Very truly yours,

Alan M. DiSciullo, Esq.

Enclosure

cc: M. Gregg
D. Greenwald
C. Edwards
E. Rogers

AMD:amc

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SECRETARIAT
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer	)	MUR 2477
	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by W. Douglas Davidson, Chairman of Dean Witter Reynolds Fund for Better Government. The attached agreement contains no changes from the agreement approved by the Commission on October 20, 1987. Accordingly, this Office recommends acceptance of the conciliation agreement.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer.

2. Close the file.

3. Approve the attached letter.

11/23/87
Date

Lawrence M. Noble
General Counsel

Attachments
1. Conciliation Agreement
2. Letter to Respondent

9804058841 47

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer	)	MUR 2477

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 27, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2477:

1. Accept the conciliation agreement with Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer, as recommended in the General Counsel's report signed November 23, 1987.

2. Close the file.

3. Approve the letter, as recommended in the General Counsel's report signed November 23, 1987.

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

Attest:

11-27-87
Date

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

Received in the Office of Commission Secretary: Tues., 11-24-87, 10:(
Circulated on 48 hour tally basis: Tues., 11-24-87, 4:(
Deadline for vote: Fri., 11-27-87, 4:(

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plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

01 December 1987

Alan M. DiSciullo, Esquire
Dean Witter Reynolds, Inc.
5 World Trade Center, 4th Floor
New York, NY 10048

RE: MUR 2477
Dean Witter Reynolds Fund
for Better Government and
Eugene C. Rogers, as
treasurer

Dear Mr. DiSciullo:

On November 27 , 1987, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Jacqueline Jones-Smith, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2477
Dean Witter Reynolds Fund for Better Government; Eugene C. Rogers, as treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Dean Witter Reynolds Fund for Better Government and Eugene C. Rogers, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii).

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

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

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

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

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

1. Respondent, Dean Witter Reynolds Fund for Better Government, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent, Eugene C. Rogers, is the treasurer of Dean Witter Reynolds Fund for Better Government.

3. Respondents are required to file a 12-Day Pre-Election Report before any election in which they make a contribution to or expenditure on behalf of a candidate.

4. The 12-Day Pre-Election Report for the 1986 General Election was due on October 23, 1986, and complete as of October 15, 1986.

5. Respondents did not file a 12-Day Pre-Election Report prior to the 1986 General Election.

6. Respondents filed a 1986 Post-General Election Report on January 2, 1987, that disclosed $2,000 in contributions to two candidates between October 1, 1986, and October 15, 1986. Respondents were, therefore, required to file a 12-Day Pre-Election Report by October 23, 1986.

V. Respondents contend that the late filing of the 12-Day Pre-Election Report, in violation of 2 U.S.C. § 434(a)(4)(A)(ii) was inadvertent and not knowing and willful.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Two Hundred and Fifty Dollars ($250), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

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

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

Date 12/1/87

FOR THE RESPONDENTS:

(Name) W. Douglas Davidson
(Position) Dean Witter Reynolds Fund for Better Government

Date 11/5/87

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CCC#1959

DEAN WITTER REYNOLDS INC.
#5 World Trade Center, New York, NY 10048
Telephone (212) 524-6466

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87 DEC 18 PM 8:57

ALAN M. DISCIULLO
Vice President, Law Department
Senior Attorney

December 14, 1987

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

87 DEC 18 AM 10: 19

Jacqueline Jones-Smith, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2477
Dean Witter Reynolds Fund for Better Government
and Eugene C. Rogers, as treasurer

Dear Ms. Jones-Smith:

The Respondents in this matter have entered into a Conciliation Agreement with the Commission. As such, I would like to have the following information included in the public record:

1. The Respondents' failure to file a pre-election report prior to the 1986 general election as required under 2 U.S.C. Section 434 (a) (4) (A) (ii) was completely inadvertent. There was no willful intent to conceal any expenditures. Respondents had previously never had to file such a report. They also did not receive a letter sent by the Commission reminding PACs of their requirement to file such pre-election reports for 1986 if they had made contributions during the appropriate time periods. Thus, Respondents simply failed to realize their obligation to file such a report.

2. The fact that the Respondents disclosed contributions made between October 1st and October 15, 1986 on the 1986 post-general election report filed on January 2, 1987 further indicates that the Respondents did not have any willful intent to violate their requirement to file a pre-election report. The Respondents disclosed these contributions on the next report that was due after the pre-election report.

3. The amounts that are the subject of the pre-election reporting requirements were small, totaling only $2,000. These amounts would be insufficient to have influenced any federal election in the absence of timely filing.

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4. There has never been a prior violation of either state or federal election law by Dean Witter Reynolds Fund for Better Government, Eugene C. Rogers or any other officer or director of the PAC. Except for this instance, the PAC, its directors and officers have strictly complied with all applicable laws. This is the first such action against the PAC or any one of its officers.

The Fund, its officers, directors and the Fund's successor organization, Dean Witter PAC, fully intend to comply with all applicable laws and regulations. Remedial steps have been instituted to prevent the reoccurrence of an event similar to this one.

I'd appreciate your inclusion of this letter in the public record.

Thank you for your cooperation.

Very truly yours,

Alan M. DiSciullo, Esq.

bcc: D. Davidson
C. Edwards
M. Gregg
E. Rogers

AMD:amc

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2477

DATE FILMED 3/25/88 CAMERA NO. 4

CAMERAMAN GC

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