



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2540

DATE FILMED 9/14/00 CAMERA NO. 2

CAMERAMAN K.A.U.

83040721197

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: July 13, 1987

ANALYST: Lisa Stolaruk

I. COMMITTEE: Badger Political Action Committee
(C00194761)
Betty Chrustowski, Treasurer
9200 North 75th Street
Milwaukee, WI 53223

II. RELEVANT STATUTE: 2 U.S.C. §441a(a)(1)(A)
11 CFR 110.1(a)(1)

III. BACKGROUND:

Excessive Contributions Made to Federal Candidate Committees

The Badger Political Action Committee ("the Committee") made eight excessive contributions to federal candidate committees totalling \$8,000 during calendar year 1986.

The Committee's 1986 October Quarterly Report disclosed two contributions to federal candidate committees of \$2,000 each, on August 11, 1986 and August 21, 1986 (Attachment 2). The August 11, 1986 contribution was designated for the general election. The August 21, 1986 contribution was not designated; however, in accordance with 11 CFR 110.1(a)(2)(ii), the Reports Analysis Division has attributed the contribution to the general election.

On December 23, 1986 a Request for Additional Information ("RFAI") was sent to the Committee referencing the 1986 October Quarterly Report (Attachment 3). The RFAI urged the Committee that the Act precludes a political committee, other than a multicandidate committee, from contributing to a candidate for federal office in excess of \$1,000 per election. The RFAI requested that the Committee fund the excess contributions, provide the funds and the photocopy of the refund request and response on the next report. The RFAI also noted that the Committee may initiate legal action concerning the response was received from the Committee. Notice was sent on January 15, 1987

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REPORTS ANALYSIS REFERRAL

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88040721198

**BADGER POLITICAL ACTION COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

The Committee's 1986 Year End Report disclosed six additional excessive general election contributions of \$2,000 each, to six federal candidate committees, in October of 1986*/ (Attachment 5). A cover letter attached to the report noted that the Committee was aware of the excessive contributions and was attempting to obtain refunds of the excessive amounts (Attachment 6).

On February 18, 1987 an RFAI was sent to the Committee referencing the 1986 Year End Report (Attachment 7). The RFAI informed the Committee that the Act precludes a political committee, other than a multicandidate committee, from making a contribution to a candidate for federal office in excess of \$1,000 per election. The RFAI noted the Committee's intention to receive refunds of the excessive amounts, and asked the Committee to provide the Commission with a copy of their request. The RFAI also noted that the Commission may take legal steps regarding the excessive contributions. The RFAI also noted that the Commission may take legal steps regarding the Committee and therefore a response was received from the Committee and therefore a Second Notice was sent on March 12, 1987 (Attachment 8).

Responses received by the Commission from the recipients of the excessive contributions indicate that the funds have either been refunded or redesignated. Seven of the recipient committees redesignated the excessive amounts between December 31, 1986 and July 24, 1987. The eighth recipient committee requested that the excessive amount be redesignated to the primary election. The recipient committee indicated that sufficient primary debt to allow the redesignation (Attachments 9-16).

To this date, the Committee has not responded to the RFAIs and Second Notice.

IV. OTHER PENDING MATTERS INITIATED:

None.

*/ An RFAI and Second Notice requesting the exact dates of contributions sent to the Committee date, the Committee has not responded. As of this

93040721199

BADGER POLITICAL ACTION COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

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To this date, the Committee has not responded to the RFAIs and Second Notice.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

*/ An RFAI and Second Notice were sent to the Committee requesting the exact dates of the contributions. As of this date, the Committee has not responded.

93040721199

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FEDERAL ELECTION COMMISSION
1985-1986

DATE 13JUL87

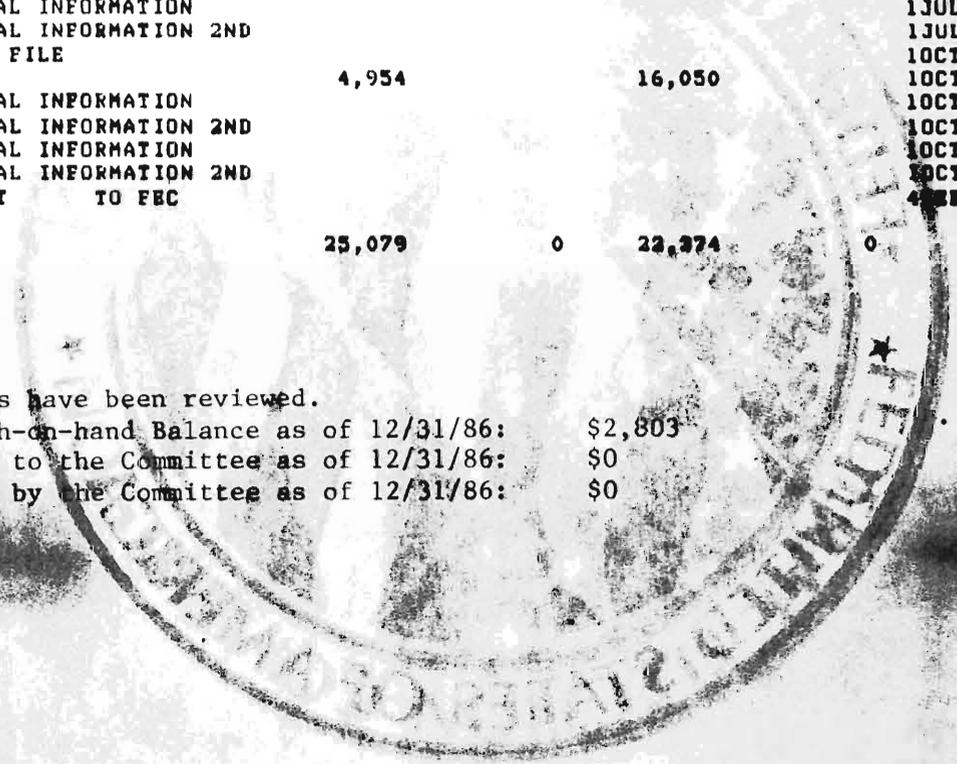
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 3

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
BADGER POLITICAL ACTION COMMITTEE				ID #C00194761 NON-PARTY NON-QUALIFIED		
CONNECTED ORGANIZATION: NONE						
1985	STATEMENT OF ORGANIZATION			8APR85	2	85FEC/369/4518
	MID-YEAR REPORT	5,450	79	8APR85 -30JUN85	5	85FEC/383/3683
	YEAR-END	1,000	176	1JUL85 -31DEC85	4	86FEC/399/1124
1986	APRIL QUARTERLY	500	52	1JAN86 -31MAR86	3	86FEC/409/1257
	JULY QUARTERLY	5,000	1,217	1APR86 -30JUN86	4	86FEC/421/2706
	OCTOBER QUARTERLY	8,175	4,800	1JUL86 -30SEP86	6	86FEC/436/0637
	REQUEST FOR ADDITIONAL INFORMATION			1JUL86 -30SEP86	3	86FEC/452/0470
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL86 -30SEP86	4	87FEC/454/2845
	NOTICE OF FAILURE TO FILE			1OCT86 -24NOV86	1	87FEC/453/0272
	YEAR-END	4,954	16,050	1OCT86 -31DEC86	4	87FEC/459/3458
	REQUEST FOR ADDITIONAL INFORMATION			1OCT86 -31DEC86	2	87FEC/461/0539
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT86 -31DEC86	3	87FEC/462/4194
	REQUEST FOR ADDITIONAL INFORMATION			1OCT86 -31DEC86	1	87FEC/466/1535
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT86 -31DEC86	2	87FEC/467/2111
1987	MISCELLANEOUS REPORT TO FEC			4FEB87	1	87FEC/459/3457
TOTAL		25,079	0	22,374	0	45 TOTAL PAGES

All reports have been reviewed.

Ending cash-on-hand Balance as of 12/31/86: \$2,803
 Debts owed to the Committee as of 12/31/86: \$0
 Debts owed by the Committee as of 12/31/86: \$0



Attachment 1

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 2 for
 LINE NUMBER 31
 (An asterisk indicates for each
 category of the Detailed
 Summary Page)

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)

Badger Political Action Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Senator Alan Cranston Cranston for Senate '86 6380 Wilshire Blvd, Suite 1625 Los Angeles, CA 90048	General Election California Senate Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	8/11	\$2,000.00
Congressman Timothy Wirth Committee For Wirth P.O. Box 300399 Denver, CO 80206	Colorado Senate Election Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	8/21	\$2,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			\$4,000.00
TOTAL This Period (last page this line number only)			

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 38040721201



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

89-2

DEC 23 1986

Betty Chrustowski, Treasurer
Badger Political Action Committee
9200 N. 75th Street
Milwaukee, WI 53223

Identification Number: C00194761

Reference: October Quarterly Report (7/1/86-9/30/86)

Dear Ms. Chrustowski:

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

-Schedule B of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits established by the Act. The Act precludes a political committee, other than a multicandidate committee, from making a contribution to a candidate for Federal office in excess of \$1,000 per election. (2 U.S.C. §441a(a)) If you have made an excessive contribution, the Commission recommends that you notify the recipient and request a refund of the amount in excess of \$1,000. Please inform the Commission immediately in writing and provide a photocopy of your refund request sent to the recipient. In addition, any refund should appear on a supporting Schedule A for Line 16 of your next report.

If the contribution(s) in question was incorrectly reported and/or you have additional information, you may wish to submit documentation for the public record.

Although the Commission may take further legal steps concerning the excessive contribution(s), your prompt action in obtaining a refund of the excessive amount will be taken into consideration.

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

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within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2400.

Sincerely,

Joseph Rawson

Joseph Rawson
Reports Analyst
Reports Analysis Division

88040721203
33130171



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

EQ-3

January 15, 1987

Betty Chrustowski, Treasurer
Badger Political Action Committee
9200 W. 75th Street
Milwaukee, WI 53223

Identification Number: C00194761

Reference: October Quarterly Report (7/1/86-9/30/86)

Dear Ms. Chrustowski:

This letter is to inform you that as of January 14, 1987, the Commission has not received your response to our request for additional information, dated December 23, 1986. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Joseph Rawson on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosure

83040721204

SCHEDULE B ITEMIZED DISBURSEMENTS

Use separate schedule 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)

Badger Political Action Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Terry Sanford Terry Sanford for U.S. Senate P.O. Box 3539 Durham, NC 27702	General Election, North Carolina Senate Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/86	\$2,000.00
Congressman Harry Reid Friends of Harry Reid 320 E. Charleston Blvd, Ste. K Las Vegas, NV 89104	General Election Nevada Senate Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/86	\$2,000.00
Governor John Evans 710 N. 6th Street Boise, ID 83702	General Election Idaho Senate Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/86	\$2,000.00
Senator Mark Andrews Mark Andrews for Senate Comm P.O. Box 1773 Fargo, ND 58107	General Election, North Dakota Senate Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/86	\$2,000.00
Congressman Sam Gadjenson Gedjenson Re-Election Comm. P.O. Box 1986 Bozrah, CT 06334	General Election, Connecticut House of Representatives Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/86	\$2,000.00
Ms. Harriett Woods The Harriett Woods Committee 5100 Oakland, Suite 322 St. Louis, MO 63110	General Election Missouri Senate Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/86	\$1,000.00
Congressman Tom Daschle "A Lot of Friends for Daschle" 6 E. Street, S.E. Washington, DC 20003	General Election, South Dakota Senate Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/86	\$2,000.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> 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: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

C O N T R I B U T I O N S

SUBTOTAL of Disbursements This Page (optional):	
TOTAL This Period (last page this line number only):	\$13,000.00

RECEIVED
MILWAUKEE, WISCONSIN
JAN 30 1987

January 30, 1987

Mr. John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
Washington, DC 20463

RE: Identification Number: C00194761

Dear John,

I have been charged by our PAC to assist our treasurer in handling all F.E.C. forms and general issues of compliance.

I failed to adequately read the regulations and didn't realize we had to make five \$1,000 contributions, and then inform you that we had qualified as a multi-candidate committee.

I further failed to file the special pre-election report and the immediate post election report. I am, needless to say, very embarrassed.

I have filed our end of the year report and understand there is no need to file the missed pre-and post election reports.

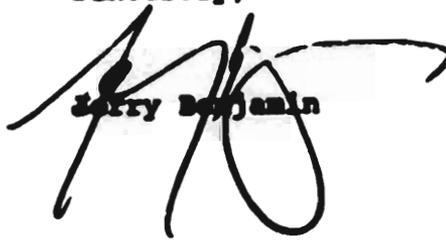
I have also been in touch with every campaign where we over contributed. Most have already refunded the amount over our \$1,000 limit.

In our next quarterly report we will show all refunds and give you the date we qualified as a multi-candidate committee.

If the above procedure isn't correct and we should file an amendment to our December 31 report, please let me know.

Thank you for being so patient. From here on out we should be able to handle all reporting and compliance matters in a timely and accurate manner.

Sincerely,



Jerry Benjamin

cc: Betty Chrustowski,
Treasurer Badger PAC
Joseph Rawson,
Reports Analysis Division

37034593457



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

FEB 18 1987

Betty Chrustowski, Treasurer
Badger PAC
9200 North 75th Street
Milwaukee, WI 53223

Identification Number: C00194761

Reference: Year End Report (10/1/86-12/31/86)

Dear Ms. Chrustowski:

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

-Your report discloses contributions which appear to exceed the limits established by the Act (pertinent portion attached). The Act precludes a political committee, other than a multicandidate committee, from making a contribution to a candidate for federal office in excess of \$1,000 per election. (2 U.S.C §441a(a))

The Commission notes your intention to receive refunds of the excessive contributions. Please provide the Commission with a photocopy of your refund request sent to the recipients. In addition, any refund should appear on a supporting Schedule A for Line 16 of your next report.

Although the Commission may take further legal steps regarding the excessive contributions, your prompt action in obtaining a refund of the excessive amount will be taken into consideration.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Joseph Rawson
Reports Analyst
Reports Analysis Division

98040721207



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-3

March 12, 1987

Betty Chrustowski, Treasurer
Badger PAC
9200 North 75th Street
Milwaukee, WI 53223

Identification Number: C00194761

Reference: Year End Report (10/1/86-12/31/86)

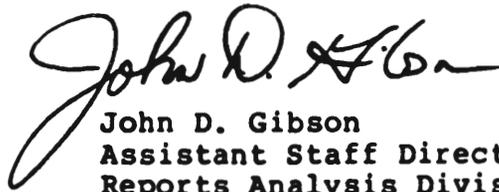
Dear Ms. Chrustowski:

This letter is to inform you that as of March 11, 1987, the Commission has not received your response to our request for additional information, dated February 18, 1987. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Joseph Rawson on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,


John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosure

88040721208

Cranston for Senate '86

6380 Wilshire Boulevard, Suite 1615, Los Angeles, California 90048
(213) 852-0727

January 12, 1987

Secretary of the Senate
232 Hart Senate Office Building
Washington, D.C. 20510

RE: CRANSTON FOR SENATE '86 C00138743
Quarterly Report (7/1/86 - 9/30/86)

Gentlemen:

This is in response to the Commission's letter of December 9, 1986 concerning questions raised regarding certain information contained in the above mentioned report. An itemization follows:

- Cranston for Senate '86 made the following refunds of contributions:

{ Badger PAC \$1,000.00 on 1/5/87 } M
Friends of Edelman \$4,000 on 1/5/87

These refunds will show on line 20c of the Detailed Summary Page and Schedule B of our next report for that period.

- Enclosed please find amended summary page and Schedule B for the report covering 5/15/86 - 6/30/86 listing outstanding debts and obligations for that period.

- With respect to employer and occupation information for contributors, the committee has made its "best effort" to obtain missing information. Enclosed you will find copies of letters sent to contributors requesting the omitted information. In cases where contributors responded to our requests, the omitted information is supplied on amended Schedule A enclosed. In cases where contributors have not responded to our requests, a second letter was sent, with copies enclosed.

- Enclosed please find amended Schedule D detailing reimbursable expenses for outstanding debts and obligations.

Very truly yours,

Marvin S. Shapiro
Marvin S. Shapiro
Treasurer

Enclosures



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CRANSTON FOR SENATE 88
PRIMARY ACCOUNT
620 WILSHIRE BLVD. STE. 1010
LOS ANGELES, CA 90048
(213) 682-8727

No 2403

1/5 19 86

PAY One thousand dollars and 00/100
TO THE ORDER OF

\$1,000.00

Badger PAC
9200 N. 75th St.
Milwaukee, WI 53223

Erwin Meyer

⑆0000 2403 ⑆ ⑆122000043⑆748⑆003040⑆

DETACH AND RETURN THIS STATEMENT THE ATTACHED CHECK IS IN FULL PAYMENT OF YOUR DEBIT CARD BELOW IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO CASH REFUND

DATE	DESCRIPTION	AMOUNT
1/5/86	Refund of contribution	1,000.00

CRANSTON FOR SENATE 88

PRIMARY ACCOUNT

8702001.1677

RECORDED AT THE FEC

07 JAN 28 1986

WALTER
P.A. Box 10777, Denver, Colorado 80218
303-733-2000

January 12, 1986

Ms. Libby Cooperman
Mr. John D. Gibson
Federal Election Commission
Washington, D.C. 20463

Identification Number: C00201699

Reference: October Quarterly Report (7/24/86 - 9/30/86)

Dear Ms. Cooperman & Mr. Gibson:

I am writing in response to your letters dated December 16, 1985 and January 8, 1986 respectively. I apologize for our delay in responding, but I was out of town during the period of time covering your first notice. After reviewing the concerns of the commission and the records of the committee we found information that was mistakenly omitted.

-- The address for Arnold Grossman Productions is 670 Clarkson Street, Denver, Colorado 80218

-- The contributions from David Mandarich, Peter L. Buttemwieser, Joan Bader, and Jerome Kohlberg Jr. are not in fact over the limits set forth by the Act. An error was made by our typists when they failed to check the box designating a general election cycle contribution. The contribution history should have read as follows:

David D. Mandarich	8/12/86	1,000.00	Primary
11 Cherry Hills Farm Drive	8/12/86	1,000.00	General
Englewood, Colorado 80110			
Peter L. Buttemwieser	4/22/86	250.00	Primary
8325 Martins Lane	6/02/86	500.00	Primary
Philadelphia, Penn 19118	7/24/86	250.00	Primary
	7/24/86	250.00	General
Joan Bader	11/13/85	1,000.00	Primary
5211 Wehawken Road	7/25/86	600.00	General
Bethesda, MD 20816			
Jerome Kohlberg Jr.	7/25/86	1,000.00	Primary
Crow Hill Road	7/25/86	1,000.00	General
Mt. Kisco, NY 10549			

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87020012669

PAGE TWO -- Committee For Tim Wirth, Inc.

-- The \$2,000.00 dollar contribution from Badger PAC is in fact over the limits set forth by the Act. The Committee for Tim Wirth, Inc. was unaware that Badger PAC failed to meet the requirements for multicandidate status. The committee has refunded \$1,000.00 to Badger Pac which will appear on line 20 of the Detailed Summary Page and Schedule B of our next report.

-- Schedule B to support the in-kind contributions reported on schedule A for line 11(c) of the Detailed Summary Page were provided in the amendment to this report dated October 16, 1986. I have enclosed copies of the schedules for your reference.

If there are further questions please do not hesitate to contact me at the address and phone number listed above.

Sincerely,
Joanne Bryant
Joanne Bryant
Treasurer

JB/or

88040721212
87020012670

8702001.2671

COMMITTEE FOR TIM WIRTH, INC.
 P.O. BOX 300300
 DENVER, COLORADO 80203

06628

CARDINAL UNIVERSITY MILLS, ILL. B.A.
 4801 East Arapahoe Ave. FD-3020
 Denver, Colorado 80231

25-3891000
 266200-300

PAY ONE THOUSAND DOLLARS AND NO CENTS

TO
 THE
 ORDER
 OF

Badger PAC
 9200 North 75th Street
 Milwaukee, Wisconsin 53223

DATE
 12/31/86

AMOUNT
 \$ 1,000.00

⑆006628⑆ ⑆102003895⑆ 01 094 28⑆

PAYEE: DETACH THIS STATEMENT BEFORE DEPOSITING CHECK

COMMITTEE FOR TIM WIRTH, INC.

DATE	ACCOUNT OR INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
12/31/86		Contribution Refund			1,000.00

EMPLOYER'S NAME

COMMITTEE FOR TIM WIRTH, INC.

PAY PERIOD (MONTH)	HOURS	RATE	GROSS EARNINGS	FICA	FED WITH TAX	STATE WITH TAX	NET EARNINGS PAID

EMPLOYEE: THIS IS A STATEMENT OF YOUR EARNINGS AND DEDUCTIONS FOR PERIOD INDICATED. KEEP THIS FOR YOUR PERMANENT RECORDS.

ALTON G. BUCK, P.A.
Certified Public Accountant
211 FAIRWAY DRIVE - POST OFFICE BOX 1178
FAYETTEVILLE, NORTH CAROLINA 28502
© 1986-8101

MEMBER OF:
AMERICAN INSTITUTE OF CPAs

January 13, 1987

MEMBER OF:
N.C. ASSOCIATION OF CPAs

Secretary of the Senate
Hart Senate Office Bldg., Room 232
Washington, DC 20510

Re: Terry Sanford for U.S. Senate
ID# C00201707
FEC notice of Dec. 30, 1987 regarding
30 Day Post-General Report (10/16 -
11/24/86)

Dear Sir:

There follows the action we have taken with reference to the above report deficiencies. I am enclosing copies of letters we sent to the two contributors concerning the excess contributions. We have not as yet received an answer from either of them.

As to the indicated overdraft of \$51,485.17, as I explained to Mr. Foreign James, Reports Analyst, an overdraft never actually existed. Although the checks were entered on the check register, they were not released until there were adequate funds in the bank account. However, had any checks been released, or if in fact a few had been inadvertently released, arrangements had been made with the bank to pay these checks on insufficient funds and an appropriate charge made therefor. I am enclosing a copy of the bank's letter to me confirming this arrangement.

If I can be of any further assistance, please do not hesitate to call.

Very truly yours,

TERRY SANFORD FOR U.S. SENATE

Alton G. Buck
Alton G. Buck
Treasurer

AGB:cb

Enclosures

cc: N. C. Campaign Reporting Office

880407212142
370012642

3702001,2642

FILE COPY

ALTON G. BUCK, P.A.
Capital Public Accountant
811 PARKWAY DRIVE - PO BOX 1170
FAYETTEVILLE, NORTH CAROLINA 28404
919 482-6101

MEMBER OF
AMERICAN INSTITUTE OF CPAs

January 5, 1987

MEMBER OF
U.S. ASSOCIATION OF CPAs

8804072151

Edgar SAC
9200 N. 75th St.
Milwaukee, WI 53223

Dear Sirs:

We are very appreciative of your October 17, 1986 \$2,000 contribution to Senator Sanford's campaign. However, since you are not a "multi candidate" contributor, your allowable contribution is only \$1,000 per election.

Our committee had debts outstanding at the end of the primary election and we are therefore permitted to accept, with the contributor's authorization, contributions up to the election limit for that election.

Therefore, would you please authorize us, by letter, to allocate \$1,000 of your October contribution to the primary election. Please let us hear from you at your earliest convenience.

Very truly yours,
TERRY SANFORD FOR U.S. SENATE

Alton G. Buck
Treasurer

AMB:cb

**Harry
Reid**
U.S. SENATE

January 30, 1987

RECEIVED
SECRETARY OF THE SENATE
FEB -2 PM 12 32
HAND DELIVERED

0 1 2 3 4 5 6 7 8 9

Secretary of the Senate
232 Hart Senate Office Building
Washington, D. C. 20510

ID: C00204370

Reference: 30 Day Post-General report (10/15/86 - 11/24/86)

Dear Sir:

We finally contacted Badger PAC and they were not qualified as a multi-candidate committee when they contributed to our campaign.

On January 27, 1987 we refunded \$1000 to Badger PAC. This refund will be reflected on our next report.

If you have any questions, please advise.

Sincerely,

Janice Miller
Vice-Treasurer
Friends For Harry Reid

JOHN EVANS FOR SENATE COMMITTEE
 P. O. BOX 1002
 BOISE, IDAHO 83701

3107

WALSH BANK & TRUST CO
 Federal Reserve Bank
 100 N. 10th St.
 Boise, Idaho 83701
 208-333-1341
 248822-002

*****One Thousand and 00/100 Dollars*****

8
3
3
4
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7
2
4
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4

PAY TO THE ORDER OF: **Budget PAC**
 9200 S. 75th St.
 Milwaukee, WI 53223

DATE: 2/2/87

AMOUNT: \$1,000.00

Elizabeth A. Ahrens

⑆003107⑆ ⑆124808555⑆73 000057 0⑆

PAVEE DETACH THE STATEMENT BEFORE DEPOSITING CHECK

JOHN EVANS FOR SENATE COMMITTEE

DATE	ACCOUNT # INVOICE #	DESCRIPTION	AMOUNT	DEDUCTION OR DEDUCTION	NET AMOUNT
2/1/87		Contribution Refund			1000.00

EMPLOYEE'S NAME

JOHN EVANS FOR SENATE COMMITTEE

PAY PERIOD ENDING	HOURS	RATE	GROSS EARNINGS	F.I.C.A.	FED. INSH. TAX	STATE INSH. TAX				NET EARNINGS PAID
FEB 7 07										

EMPLOYEE: THIS IS A STATEMENT OF YOUR EARNINGS AND DEDUCTIONS FOR PERIOD INDICATED KEEP THIS FOR YOUR PERMANENT RECORDS

RECEIVED BY THE FTC

87 FEB 27 10:45

RECEIVED
COMMISSION OF THE SENATE
FEB 27 10 4:03
HALL OF RECORDS

February 24, 1987

Pat Sheppard
Senior Reports Analyst
Federal Election Commission
999 E Street, N. W.
Washington, D. C. 20463

Dear Ms Sheppard:

This letter is in response to your inquiry on our 30 Day Post-General Report (1-16/86-11/24/86), identification number C00127530.

The \$1000 excess in contributions made to our committee by Badger PAC has been refunded as of today. We were not aware that this was not a multicandidate PAC and therefore, feel the refund is necessary.

In reference to Schedule A of our report which discloses contributions which appear to exceed the limits set forth in the Act, these contributions were solicited by the Republican Senatorial Committee and when we received them and found they were over the individuals limitations, they were refunded immediately.

A copy of our refund check to Badger PAC is enclosed and I hope this clears up any questions concerning this matter.

Thank you.

Sincerely,

Lorraine Losness
Lorraine Losness, Assistant Treasurer
People for Mark Andrews Committee
P. O. Box 1773
Fargo, ND 58107

3700077048
38040721219

February 24, 1987

Betty Chrustowski
Badger Political Action Committee
9200 North 75th Street
Milwaukee, Wisconsin 53223

Dear Betty:

Our committee has been notified by the Federal Election Committee that we must refund \$1000 from the contribution you made to us back in October 1986. The reason they stated, was that your PAC did not meet the requirements for Multicandidate status as of the date the contribution was made to our committee. Therefore, your PAC can only contribute \$1000 instead of the \$2000 that we received.

Thanks so much for your thoughtfulness, it is greatly appreciated.

Enclosed please find our refund of \$1000.

Sincerely,

Lorraine Losness

Lorraine Losness, Assistant Treasurer
People For Mark Andrews Committee
P. O. Box 1773
Fargo, ND 58107

83040721220
37007009

1748

PEOPLE FOR MARK ANDREWS
FARGO, NORTH DAKOTA 58107

2-24 1987 77-3/913

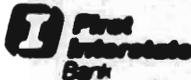
PAY TO THE ORDER OF

Badger PAC

\$ 1000.00

one thousand and no/100

DOLLARS



First Interstate Bank
of Fargo, N.D.
Main at Broadway &
Village West Office
Fargo, ND 58104

FOR REFUND OF EXCESS CONTRIBUTION

Lorraine Losness

⑆001748⑆ ⑆091300036⑆ ⑆37 824 0⑆

CONGRESSMAN SAM GEJDENSON

P.O. Box 1818 Bozrah, Connecticut 06334

RECEIVED H. L.
FEB 27 1987

26 February 1987

✓ Clerk, U.S. House of Representatives
1036 Longworth H.O.B.
Washington, DC 20515

085791

Dear Mr. Anderson:

Responding to the FEC letter of Feb. 17, 1987 and your letter of February 20, 1987. Please be advised that a refund of \$1,000.00 was sent to Badger Pac on February 20, 1987. This refund reduces their contribution of October 19, 1986 to the permissible amount.

R In the matter of the contribution of \$2,000 reported to George A. Weiss. Please be advised that the correct amount should have been \$1,000. An additional \$1,000 should have been reported in the name of his wife, Diane Weiss, at the same address. Mrs. Weiss is a housewife. This was the original intention of Mr. and Mrs. Weiss and the error was a clerical one made by the committee.

Regarding the matter of debts and obligations owed by the committee please accept the amended pages of the report for the period starting October 16, 1986 through November 24, 1986. These pages are restated in accordance with conversations with the Federal Election Commission and will clarify the questions raised in their letter. Please accept my apology for any inconvenience these changes may have caused.

Sincerely,

Donald N. Mazeau
Asst. Treasurer

813-0407212241

K 53460
SD DEM C1736



JAN 21 1987

January 21, 1987

H.D.

Secretary of the Senate
Senate Public Records
119 D St. N.E.
Washington, D.C. 20510

Dear Sir,

This letter serves as an amendment to our 30 Day Post-General Report (10/16/86-11/24/86) as requested by an FEC letter dated January 13, 1987.

Three items were reference and are dealt with in the attached pages as follows:

1. The items on Schedule A listed as contributions designated for the Primary, were supposed to have been listed as designated for the General election. Attached are two of the pages of the Schedule A's for line 11a that have been corrected.
2. A refund has been made to Badger PAC as they were not a multicandidate committee at the date of their contribution. Attached is a copy of the letter we sent to them with the refund.
3. The items with different beginning balances on Schedule D for line 10 were arrived at by referencing the report of two weeks prior to the report that should have been referenced. New Schedule D's are attached with the correct balances.

None of these items in this amendment affect any numbers on either Summary sheets.

Thank you.

Sincerely,

Lou Rothenbuehler

Lou Rothenbuehler
A Lot of People Supporting Tom Daschle
P.O. Box 1656
Sioux Falls, SD 57101

8700071934
2222



January 21, 1987

Mr. Jerry Benjamin
Badger Pac
6 AB Data
8050 N. Port Washington Rd.
Milwaukee, WI 53217

Dear Mr. Benjamin,

Enclosed please find our check for \$1,000.00 as a refund on your contribution to A Lot of People Supporting Tom Daschle made in October, 1986. Per our discussion of today, this represents the amount we could not accept from your PAC as at the time of the contribution you had not qualified as a multicandidate committee.

This refund and the reason for it will be reported to the Federal Election Commission, also as of this date.

Thank you for your understanding of this matter.

Sincerely,

Jim Robinson
Budget Director
A Lot of People Supporting Tom Daschle

cc Federal Election Commission

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8702001.2935

FEDERAL ELECTION COMMISSION
999 E STREET, N.W.
WASHINGTON, D.C.

FIRST GENERAL COUNSEL'S REPORT

RAD 87L-27
STAFF MEMBER: Curry

87 SEP 16 PM 3:52

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS: Badger Political Action Committee and
Betty Chrustowski

RELEVANT STATUTE: 2 U.S.C. § 441a(a)(1)(A)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: NONE

I. GENERATION OF MATTER

This matter was generated by the Reports Analysis Division after a review of the disclosure reports of Badger Political Action Committee ("Badger PAC"). The RAD review revealed eight possible excessive contributions totalling \$8,000 made by Badger PAC during calendar year 1986. The RAD referral notes that none of the eight recipient committees are referable to this office.

II. FACTUAL AND LEGAL ANALYSIS

According to the RAD review, Badger PAC may have made eight excessive contributions to federal candidates committees. Two possible excessive contributions were disclosed in Badger PAC's 1986 October Quarterly Report and six possible excessive contributions were disclosed in Badger PAC's 1986 Year End Report.

Badger PAC's 1986 October Quarterly Report disclosed two contributions to federal candidate committees 1/ of \$2,000 each

1/ Cranston for Senate '86 and Committee for Tim Wirth.

80040721224

on August 11, 1986 and August 21, 1986 (Attachment 1, page 5). These contributions were undesignated, however, in accordance with 11 C.F.R. 110.1(a)(2)(ii), the Reports Analysis Division attributed the contributions to the general election.

On December 23, 1986 a Request for Additional Information ("RFAI") was sent to Badger PAC referencing the 1986 October Quarterly Report (Attachment 1, pages 6-7). The RFAI informed the Committee that the Act precludes a political committee, other than a multicandidate committee, from making a contribution to a candidate for Federal office in excess of \$1,000 per election. The RFAI requested that Badger PAC refund the excessive contributions, provide the Commission with a photocopy of the refund request and disclose the refund on the next report. The RFAI also noted that the Commission may initiate legal action concerning the matter. No response was received from Badger PAC and therefore a Second Notice was sent on January 15, 1987 (Attachment 1, page 8).

Badger PAC's 1986 Year End Report disclosed six additional excessive general election contributions of \$2,000 each, to six federal candidate committees 2/, in October of 1986 3/ (Attachment 1, page 9). A cover letter attached to the report noted that

2/ Terry Sanford for U.S. Senate, Friends of Harry Reid, John Evans for Senate, Mark Andrews for Senate, Gedjenson Re-Election Committee and A Lot of Friends for Daschle.

3/ An RFAI and Second Notice were sent to the Committee requesting the exact dates of the contributions. As of this date, the Committee has not responded.

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the Committee was aware of the excessive contributions and was attempting to obtain refunds of the excessive amounts (Attachment 1, page 10).

On February 18, 1987 an RFAI was sent to Badger PAC referencing the 1986 Year End Report (Attachment 1, page 11). The RFAI informed Badger PAC that the Act precludes a political committee, other than a multicandidate committee, from making a contribution to a candidate for federal office in excess of \$1,000 per election. The RFAI noted Badger PAC's intention to receive refunds of the excessive amounts, and asked Badger PAC to provide the Commission with a copy of their refund request. The RFAI also noted that the Commission may take legal steps regarding the excessive contributions. No response was received from Badger PAC and therefore a Second Notice was sent on March 12, 1987 (Attachment 1, page 12).

Responses received by the Commission from the recipients of the excessive contributions indicate that the funds have either been refunded or redesignated. Seven of the recipient committees refunded the excessive amounts between December 31, 1986 and February 24, 1987. The eighth recipient committee requested that the excessive amount be redesignated to the primary election. 4/ (Attachment 1, pages 13-26). The recipient committee indicated

4/ Terry Sanford for U.S. Senate.

83040721225

that it had sufficient primary debt to allow the redesignation (Attachment 1, page 18).

The issue here is whether or not Badger PAC made excessive contributions in violation of the Act. The Act precludes a political committee, other than multicandidate committee, from making a contribution to a candidate for Federal office in excess of \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A). However, under the Act multicandidate committees may make contributions to a federal candidate that do not exceed \$5,000 per election. 2 U.S.C. § 441a(a)(2)(A). The criteria for multicandidate committee status is six month registration with the Commission, contributions from more than fifty persons and contributions to five or more candidates for Federal office. 2 U.S.C. § 441a(a)(4).

In the instant matter Badger PAC was not a multicandidate committee at the time the contributions in question were made. Therefore, Badger PAC was limited to \$1,000 in contributions per election and per federal candidate committee. Consequently, Badger PAC's eight contributions of \$2,000 each to eight federal candidate committees exceeded the contribution limit by \$1,000 per recipient committee. The eight apparent excessive contributions total \$8,000.

83040721227

It appears that seven out of the eight recipient candidate committees have refunded the excessive amounts (\$1,000). The one remaining recipient candidate committee (Terry Sanford for Senate) has requested that the excessive contribution be redesignated by Badger PAC to the primary since there is a sufficient primary debt.

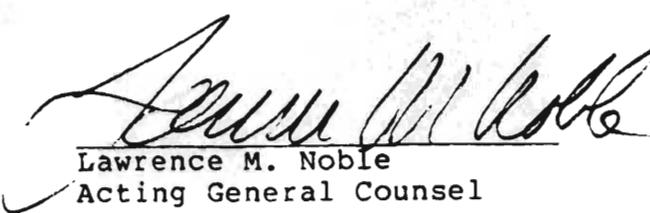
The Office of General Counsel recommends that the Commission open a MUR and find reason to believe Badger PAC violated 2 U.S.C. § 441a(a)(1)(A). 5/

III. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that Badger Political Action Committee and Betty Chrustowski, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A).
3. Approve the attached letter and Factual and Legal Analysis.

Date

7/16/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Referral Materials
2. Proposed letter
3. Factual and Legal Analysis

38040721228



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN *Jm*
DATE: SEPTEMBER 21, 1987
SUBJECT: OBJECTION TO RAD Ref. 87L-27: FIRST G.C. REPORT
SIGNED SEPTEMBER 16, 1987

The above-captioned document was circulated to the Commission on Thursday, September 17, 1987 at 11:00 A.M.

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

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

This matter will be placed on the Executive Session agenda for September 29, 1987.

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

8 9 0 4 0 7 2 1 2 2 9



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

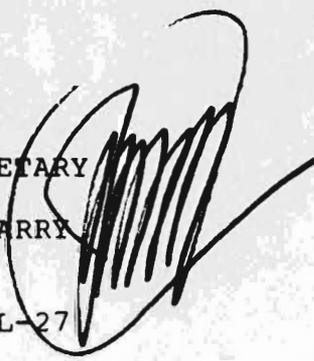
September 24, 1987

MEMORANDUM

TO: MARJORIE EMMONS
COMMISSION SECRETARY

FROM: JOHN WARREN MCGARRY
COMMISSIONER

SUBJECT: RAD REFERRAL 87L-27



Please withdraw my objection of September 21, 1987 to the above
Rad Referral and amend my vote to an approval.

Thank you.

87 SEP 24 PM 2:52

RECEIVED
FEDERAL ELECTION COMMISSION

88040741230

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Badger Political Action Committee and) RAD Ref. 87L-27
Betty Chrustowski)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 24, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 87L-27:

1. Open a MUR.
2. Find reason to believe that Badger Political Action Committee and Betty Chrustowski, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A).
3. Approve the letter and Factual and Legal Analysis, as recommended in the First General Counsel's report signed September 16, 1987.

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

Attest:

9-24-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	9/16/87 3:52 p.m.
Circulated on 48 hour tally basis:	9/17/87 11:00 a.m.
Deadline for vote:	9/21/87 11:00 a.m.
Objection place on agenda 9,29/87	
Objection withdrawn 9/24/87 at 2:52	

28040721231



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

1 October 1987

Betty Chrustowski, Treasurer
9200 North 75th Street
Milwaukee, WI 53223

RE: MUR 2540
Badger Political Action
Committee and
Betty Chrustowski,
as treasurer

Dear Ms. Chrustowski:

On September 24, 1987, the Federal Election Commission found that there is reason to believe Badger Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), 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. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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plm

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 ordinarily will not 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 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

- Factual and Legal Analysis
- Procedures
- Designation of Counsel Form

23040721233



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: *MOE* MARJORIE W. EMMONS/SUSAN GREENLEE *S.G.*

DATE: NOVEMBER 25, 1987

SUBJECT: MUR 2540 - COMPREHENSIVE INVESTIGATIVE REPORT #1
SIGNED NOVEMBER 23, 1987

The above-captioned matter was received in the Office of the Secretary of the Commission Monday, November 23, 1987 at 4:29 P.M. and circulated to the Commission on a 24-hour no-objection basis Tuesday, November 24, 1987 at 11:00 A.M.

There were no objections received in the Office of the Secretary of the Commission to the Comprehensive Investigative Report #1 at the time of the deadline.

93040721234

87 NOV 23 PM 4:29

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Badger Political Action Committee) MUR 2540
and Betty Chrustowski,)
as treasurer)

COMPREHENSIVE INVESTIGATIVE REPORT #1

BACKGROUND

This matter was generated by the Reports Analysis Division. On September 24, 1987, the Federal Election Commission found reason to believe Badger Political Action Committee and Betty Chrustowski, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by receiving contributions in excess of the contribution limits of the Act. On October 1, 1987 notification of reason to believe was mailed to Respondents.

On October 27, 1987, this Office spoke to Betty Chrustowski, treasurer, with respect to their lack of response to the Commission's notification. Ms. Chrustowski explained that they had received no communication from the Commission regarding the matter.

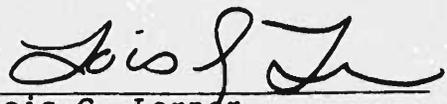
Subsequently, a copy of the Commission's initial notification was sent to Respondents again by certified mail. The return receipt requested indicates that delivery of the Commission notification was made on November 5, 1987. The Office

88040721235

of General Counsel will submit a report to the Commission when a response to the reason to believe notification is received by this Office or after the 15 day notice period has expired.

Lawrence M. Noble
General Counsel

11-23-87
Date

By: 
Lois G. Lerner
Associate General Counsel

33040721236

Badger Political Action Committee

9200 North 75th Street • Milwaukee, Wisconsin 53223

HAND DELIVERED

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

CC# 5141
2540

88 JAN 15 AM 8:57

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
88 JAN 15 PM 2:40

January 4, 1988

Mr. Paul Vick
Assistant Treasurer
Sanford for Senate
209 Providence Road
Chapel Hill, NC 27514

COPY

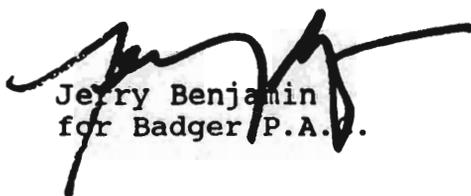
Dear Paul,

In January, 1987 you and I spoke concerning a misallocation by Badger P.A.C. to Senator Sanford's Campaign. At the time, we had given you a \$2,000 contribution and, by law, we were only permitted to give you \$1,000.

At that time, I agreed to propose to our Board that we allocate the \$1,000 overage to what was then a substantial primary debt. Subsequent to our conversation, the Board did approve that allocation. We then spoke a second time where I informed you of the decision of our committee.

Unfortunately, we have no written correspondence which reflects these calls. So, on behalf of Badger P.A.C., I am writing so this can be added to both the campaign files and ours.

Best wishes,


Jerry Benjamin
for Badger P.A.C.

JB/df

83040721237

RECEIVED
FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

88 FEB 11 AM 9:31

In the Matter of)
)
Badger Political Action Committee) MUR 2540
and Betty Chrustowki, as treasurer)

EXECUTIVE SESSION
SENSITIVE

FEB 23 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated by the Reports Analysis Division ("RAD") after a review of the disclosure reports of Badger Political Action Committee ("Badger PAC"). The RAD review revealed eight possible excessive contributions totalling \$8,000 made by Badger PAC to eight federal candidate committees during calendar year 1986. Based on the foregoing, on September 24, 1987, the Commission found reason to believe Badger PAC and Betty Chrustowski, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A). Notification of reason to believe was mailed to Respondents on October 1, 1987. Due to Respondents' lack of response to the Commission's notification, this Office spoke to Betty Chrustowski, treasurer, on October 27, 1987. Ms. Chrustowski explained that no communication had been received by the Committee regarding the matter.

Subsequently, a copy of the Commission's initial notification was sent to Respondents by certified mail. On November 24, 1987, the Office of General Counsel received a response to the Commission's reason to believe notification (Attachment 2), and a request for pre-probable cause conciliation (Attachment 1).^{1/}

^{1/} While arriving in the same Federal Express envelope as the Badger PAC response to the reason to be notification, the request for pre-probable cause conciliation was lost for a couple of weeks due to a mistake in the mailroom.

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II. ANALYSIS

Respondents' submission, in response to the Commission's notification of reason to believe, confirms the facts underlying the Commission's determination of reason to believe Badger PAC violated 2 U.S.C. § 441a(a)(1)(A). Badger PAC admits to making a total of eight improper contributions to eight federal candidate committees.^{2/} (Attachment 2, page 3). Badger PAC indicates that the Committee believed that the only things necessary to qualify for multicandidate status were six months registration and contributions from 50 contributors. (Attachment 2, page 3) However, 2 U.S.C. § 441a(a)(4) also requires contributions to five or more candidates for federal office. Here, Badger PAC did not have 50 contributors and had not contributed to 5 or more federal candidates. Therefore, Badger PAC was not a qualified multicandidate committee at the time contributions of \$2,000 each were made to the eight federal candidate committees. Thus, Badger PAC was limited to a \$1,000 contribution per election per federal candidate committee. Consequently, the eight contributions of \$2,000 each exceed the limits of the Act by \$1,000 per candidate committee for a total of \$8,000.

Badger PAC indicates that the Committee started working on obtaining refunds or redesignation as soon as they understood the problem. (Attachment 2, page 4). To date seven of eight contributions have been refunded. (Attachment 2, page 4). The

^{2/} Tim Wirth - \$2,000, Alan Cranston - \$2,000, Tom Daschle - \$2,000, John Evans - \$2,000, Sam Gedjensen - \$2,000, Mark Andrews - \$2,000, Harry Reid - \$2,000 and Terry Sanford - \$2,000.

38040721239

eighth contribution (\$1,000) to Terry Sanford was redesignated to the primary due to the primary net debt outstanding of that Committee. (Attachment 2, page 4 and Attachment 3).

III. DISCUSSION OF CONCILIATION PROVISIONS

IV. RECOMMENDATIONS

1. Enter into conciliation with Badger Political Action Committee and Betty Chrustowski, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Lawrence M. Noble
General Counsel

2/9/88
Date


By: Lois G. Lerner
Associate General Counsel

Attachments

1. Request for pre-probable cause conciliation
2. Response of Badger PAC
3. Supplemental Response of Badger PAC
4. Proposed Conciliation Agreement
5. Letter

Staff Member: Deborah Curry

38040721240

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Badger Political Action Committee) MUR 2540
and Betty Chrustowski, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of February 23, 1988, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2540:

1. Reject the recommendation contained in the General Counsel's report dated February 9, 1988, and instead decline at this time to enter into conciliation with Badger Political Action Committee and Betty Chrustowski, as treasurer.
2. Direct the Office of General Counsel to contact the respondents to obtain additional information and to report back to the Commission.

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

Attest:

2/25/88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

88040721241



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 3, 1988

Jerry Benjamin
8050 N. Port Washington Road
Milwaukee WI 53217

RE: MUR 2540
Badger Political Action
Committee and Betty
Chrustowski, as
treasurer

Dear Mr. Benjamin:

On November 5, 1987, you were notified that the Federal Election Commission found reason to believe that your client, Badger Political Action Committee and Betty Chrustowski, as treasurer violated 2 U.S.C. § 441a(a)(1)(A). On November 24, 1987, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe.

The Commission has reviewed your request and determined to decline at this time to enter into conciliation prior to a finding of probable cause to believe because additional information is necessary. Please submit to the Commission a list of all contributors to Badger Political Action Committee from April 8, 1985, the date of filing of the first report of Badger Political Action Committee with the Commission, until and including October 10, 1986. For each contributor listed provide the following information: name, address, occupation, date and amount. Such information should be submitted to the Office of the General Counsel within 15 days of receipt of this letter.

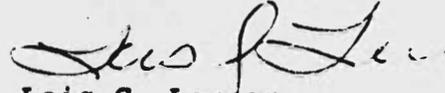
At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

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If you have any questions, please contact Deborah Curry, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



By: Lois G. Lerner
Associate General Counsel

88040721245

Badger Political Action Committee

9200 North 75th Street • Milwaukee, Wisconsin 53223

@CC# 8963

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 APR -4 AM 10:20

- *Mm 2540*

March 31, 1988

Ms. Deborah Curry
Federal Election Commission
1325 K Street N.W.
Washington, DC 20463

RECEIVED
FEDERAL ELECTION COMMISSION
88 APR -4 PM 12:35

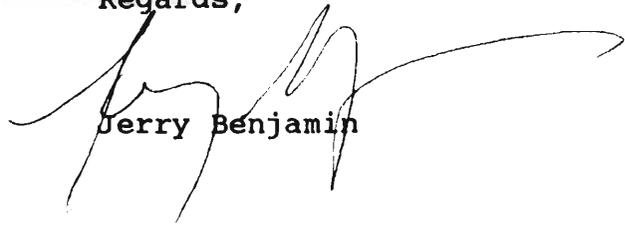
Dear Debbie,

It was nice speaking with you yesterday. We have more than 50 donors who have contributed less than \$200.00 to Badger PAC.

We are in the process of preparing a list of their names and addresses, date and amount of contributions. We will mail you the list no later than Wednesday of next week.

Thank you for your patience.

Regards,



Jerry Benjamin

88090721244



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

March 3, 1988

Jerry Benjamin
8050 N. Port Washington Road
Milwaukee WI 53217

RE: MUR 2540
Badger Political Action
Committee and Betty
Chrustowski, as
treasurer

Dear Mr. Benjamin:

On November 5, 1987, you were notified that the Federal Election Commission found reason to believe that your client, Badger Political Action Committee and Betty Chrustowski, as treasurer violated 2 U.S.C. § 441a(a)(1)(A). On November 24, 1987, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe.

The Commission has reviewed your request and determined to decline at this time to enter into conciliation prior to a finding of probable cause to believe because additional information is necessary. Please submit to the Commission a list of all contributors to Badger Political Action Committee from April 8, 1985, the date of filing of the first report of Badger Political Action Committee with the Commission, until and including October 10, 1986. For each contributor listed provide the following information: name, address, occupation, date and amount. Such information should be submitted to the Office of the General Counsel within 15 days of receipt of this letter.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

38040721245

Badger Political Action Committee

9200 North 75th Street • Milwaukee, Wisconsin 53223

RECEIVED
ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

@CCA#9039

88 APR 13 AM 11:17

Ann 2540

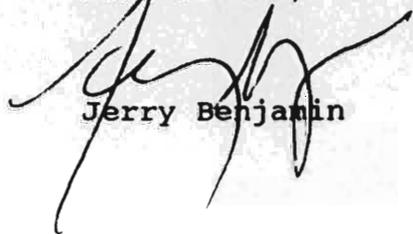
April 6, 1988

Ms. Deborah Curry
Federal Election Commission
1325 K Street N.W.
Washington, DC 20463

Dear Debbie,

Enclosed is the list we promised to send today. If there is anything else you need, please call.

Best wishes,



Jerry Benjamin

JB/df

Enclosure

88040721246

CONTRIBUTIONS TO BADGER PAC

<u>Date & Contribution</u>	<u>Name & Address</u>	
07/23/86 \$ 25.00	Eugene Krasno	608 E. Day Avenue Milwaukee, WI 53217
07/23/86 \$ 25.00	Alfred Altman	2609 W. lake Isle Dr. 124N Mequon, WI 53092
07/23/86 \$ 50.00	Shyla Blankstein	6575 N. Green Bay Avenue Milwaukee, WI 53209
07/23/86 \$ 25.00	Betty Zimmerman	2318 N. 75th Street Sheboygan, WI 53081
07/23/86 \$ 25.00	Allan Polacheck	636 E. Bay Point Rd. Milwaukee, WI 53217
07/23/86 \$100.00	Joe Peterman	3502 N. 64th Milwaukee, WI 53216
07/23/86 \$100.00	Dr. Sanford Mallin	6116 N. Berkeley Blvd. Milwaukee, WI 53217
07/23/86 \$100.00	William Kesselman	5685 N. Shore Drive Milwaukee, WI 53217
07/23/86 \$100.00	Dr. Nathan Hilrich	1830 E. Hampton Ave. Milwaukee, WI 53217
07/23/86 \$ 50.00	Milton Moss	9000 N. White Oak Lane #307 Milwaukee, WI 53217
07/23/86 \$ 25.00	Fannie Enzer	1260 N. Prospect Ave. Milwaukee, WI 53202
07/23/86 \$100.00	Lou Rosenblum	881 E. Lake Forest Ave. Milwaukee, WI 53217

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Contributions to Badger PAC
Page 2

07/23/86 \$ 50.00	Jerry Dorf	8332 N. Indian Creek Pkwy. Milwaukee, WI 53217
07/23/86 \$ 25.00	Eleanor Smith	7471 N. Beach Ct. Milwaukee, WI 53217
07/23/86 \$ 25.00	Sarah Smith	2150 W. Good Hope Road Milwaukee, WI 53209
07/23/86 \$ 20.00	Ronald Jacobs	2220 E. Newberry Blvd. Milwaukee, WI 53211
07/23/86 \$ 15.00	Max Taglin	2500 E. Jarvis St. Milwaukee, WI 53211
07/23/86 \$ 20.00	Leonard Driss	6928 N. Bethmaur La. Milwaukee, WI 53209
07/23/86 \$ 5.00	Rose Derzon	6507 W. Aspen Tree Ct. 110N Mequon, WI 53092
07/23/86 \$ 10.00	Jean Biller	820 E. Henry Clay Milwaukee, WI 53217
07/23/86 \$100.00	Norman Schuminsky	3837 N. Richards Street Milwaukee, WI 53212
07/23/86 \$100.00	Dr. Herbert Giller	9300 N. Regent Road Milwaukee, WI 53217
08/09/86 \$ 25.00	Sheldon Resnick	8333 N. Regent Road Milwaukee, WI 53217
08/09/86 \$ 25.00	Gerald Bergtrom	3229 N. 50th St. Milwaukee, WI 53216
08/09/86 \$ 25.00	Anita Laufer	3118 N. 52nd Street Milwaukee, WI 53216

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Contributions to Badger PAC
Page 3

08/09/86 \$100.00	Nathan Pelz	10314 N. Savannah Ct., 21W Mequon, WI 53092
08/09/86 \$100.00	Mitchell Lichtig	2240 W. Good Hope Rd., #31 Milwaukee, WI 53209
08/09/86 \$100.00	Joe Hirschberg	10110 N. Lee Ct. 21W Mequon, WI 53092
08/09/86 \$100.00	Tina Peterman	8760 N. Seneca Rd. Milwaukee, WI 53217
08/09/86 \$100.00	Phil Cohen	1615 W. Edward Lane Mequon, WI 53092
08/18/86 \$ 25.00	Sue Strait	5674 N. Consaul Place Milwaukee, WI 53217
08/18/86 \$ 25.00	Dr. Sidney Shindell	929 N. Astor Milwaukee, WI 53202
08/18/86 \$ 50.00	Meyer Weiss	2150 W. Good Hope Road Milwaukee, WI 53209
08/18/86 \$100.00	Maureen Komisar	2200 W. Good Hope Rd., #220 Milwaukee, WI 53209
08/18/86 \$100.00	Tom Schneider	2600 E. Menlo Blvd. Milwaukee, WI 53211
08/18/86 \$ 50.00	Michael Obletz	2949 N. Maryland Avenue Milwaukee, WI 53211
08/18/86 \$ 25.00	Larry Orenstein	7457 N. Mohawk Rd. Milwaukee, WI 53217
09/02/86 \$ 25.00	Gregg Herman	111 E. Wisconsin Ave. Milwaukee, WI 53202

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Contributions to Badger PAC
Page 4

09/02/86 \$100.00	Dr. Reuben Eisenstein	718 E. Daisy La. Milwaukee, WI 53217
09/02/86 \$ 25.00	Dr. Sid Friedman	9411 N. Waverly Drive Milwaukee, WI 53217
10/10/86 \$ 10.00	Janet Miller	7355 n. Bethmaur La Milwaukee, WI 53209
02/28/87 \$ 60.00	Mark Pittleman	3201 N. 48th St. Milwaukee, WI 53216

Date &
Contribution

Names Only -- No Addresses

07/23/86 \$100.00	Mary Cahn
07/23/86 \$ 25.00	Jack Smith
07/23/86 \$ 5.00	Scharf
07/23/86 \$100.00	Joseph Meyers
08/18/86 \$ 50.00	Min Friedman

88040721250

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

88 JUN -6 PM 4:27

In the Matter of)
)
Badger Political Action Committee) MUR 2540
and Betty Chrustowski, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was generated by the Reports Analysis Division ("RAD") after a review of the disclosure reports of Badger Political Action Committee ("Badger PAC"). The RAD review revealed eight apparent excessive contributions totalling \$8,000 made by Badger PAC to eight federal candidate committees during calendar year 1986. Based on the foregoing, on September 24, 1987, the Commission found reason to believe Badger PAC and Betty Chrustowski, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A). On February 23, 1988, the Commission rejected Respondents' request for pre-probable cause conciliation and declined to enter into conciliation at that time with Badger PAC and Betty Chrustowski as treasurer. Instead, the Commission directed the Office of General Counsel to contact Respondents to obtain additional information regarding the number of unitemized contributors to Badger PAC. On April 4 and 13, 1988, the Office of General Counsel received additional information from the Respondents. (Attachment 1 and 2).

II. ANALYSIS

The Commission initially determined that there was reason to believe Badger PAC exceeded the limits of the Act by \$1,000 per candidate committee for a total of \$8,000. This finding was predicated on Badger PAC's failure to achieve multicandidate committee status at the time the contributions in question were

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made. According to our records, it appeared that Badger PAC had failed to obtain contributions from more than 50 contributors and that Badger PAC had also failed to contribute to five or more federal candidates.

During discussion of the General Counsel's Report dated February 9, 1988, the Commission raised two issues for further development by this Office that could impact on the resolution of the matter. First, with regard to the requirement of more than fifty contributors for multicandidate status, further information was requested from Respondents to ascertain how many contributors made up the unitemized amounts listed in the 1986 October Quarterly and Year End Reports of the Committee. According to the response submitted by Badger PAC, they received contributions of under \$200 from 47 individuals during the time period in question. (Attachment 2, pages 2-6). Therefore, Badger PAC fulfilled the multicandidate requirement of more than 50 contributors to the committee.^{1/}

The second issue relevant to the analysis of Badger PAC's status as a multicandidate committee is whether the requirement of contributions to five or more federal candidates was met by the Committee. Badger PAC's response to the reason to believe notification indicated for the first time that contributions of

^{1/} Badger PAC had 23 itemized contributors during the time period in question (47 unitemized + 23 itemized = 70 contributors).

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\$2,000 made to six federal candidate committees were made on the same day, October 10, 1986. This raises the additional question of whether these six contributions are, in fact, excessive since they were made on the same day. 2/ Therefore, consideration of this question involves a related inquiry to determine when the contributions were "made" for purposes of the Act.

Whether these six contributions of \$2,000 each made on the same day should count toward qualifying status is not readily answered by the Act and Commission regulations in effect at the time the transactions occurred. It is difficult to know from a committees' report if the date listed in the report is the date that the contribution was "made," for purposes of the Act, to the recipient committee. Determining when a contribution is "made" has been resolved primarily on the circumstances of the individual case. Generally, the Commission has viewed the making of a contribution to be the point in time when the contribution has left control of the contributor. See A.O. 1984-32.

Here, six contributions are listed by Badger PAC as being made to recipient candidate committees on the same day. It is not known with certainty when the contribution left the control of the contributor. While 11 C.F.R. § 110.1(b)(6) states that a

2/ Two other contributions of \$2,000 were made to two other federal candidate committees during August.

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contribution is made on the date of delivery or on the date of postmark when mailed, this regulation did not go into effect until April 8, 1987, after the contributions in question were made.

Under the present regulation, even if we were to establish a date that these contributions were made, additional questions would remain. For example, suppose that additional discovery indicates that all contributions were made on the day listed on the Badger PAC Report. In that case, a decision would still have to be made as to whether the contributions count toward qualifying status or not.^{3/}

The present regulation at 11 C.F.R. § 110.1 establishes a definite guideline for when a contribution is made. Since it cannot be determined precisely when the contributions in question were made under the old regulation, the Office of General Counsel recommends that the Commission take no further action with regard to the six contributions of \$2,000 each made to the six recipient federal committees on October 10, 1986. With regard to the two contributions made in August, the Office of General Counsel recommends that the Commission enter into conciliation with Badger PAC and Betty Chrustowski, as treasurer, prior to a finding of probable cause to believe.

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III. DISCUSSION OF CONCILIATION PROVISIONS

IV. RECOMMENDATIONS

1. Enter into conciliation with Badger Political Action Committee and Betty Chrustowski, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Lawrence M. Noble
General Counsel

6/6/86
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Response of Badger PAC
2. Supplementary Response of Badger PAC
3. Proposed Conciliation Agreement
4. Letter

Staff Member: Deborah Curry

38040721255

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Badger Political Action Committee) MUR 2540
and Betty Chrustowski, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 9, 1988, the Commission decided by a vote of 4-0 to take the following actions in MUR 2540:

1. Enter into conciliation with Badger Political Action Committee and Betty Chrustowski, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter, as recommended in the General Counsel's Report signed June 6, 1988.

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

Attest:

6/9/88
Date

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

Received in the Office of Commission Secretary: Mon., 6-6-88, 4:27
Circulated on 48 hour tally basis: Tues., 6-7-88, 11:00
Deadline for vote: Thurs., 6-9-88, 11:00

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Plan



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1988

Jerry Benjamin
Badger Political Action Committee
8050 N. Port Washington Road
Milwaukee, Wisconsin 53217

RE: MUR 2540
Badger Political Action
Committee and Betty
Chrustowski, as treasurer

Dear Mr. Benjamin:

On September 24, 1987, the Federal Election Commission found reason to believe that Badger Political Action Committee and Betty Chrustowski, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A). At your request, on June 9, 1988, 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 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

38040721257

BEFORE THE FEDERAL ELECTION COMMISSION

88 AUG -1 AM 10:39

In the Matter of)
)
Badger Political Action Committee)
and Betty Chrustowski, as)
treasurer)

MUR 2540

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement that has been signed by Jerry Benjamin on behalf of Badger Political Action Committee and Betty Chrustowski, as treasurer.

The attached agreement contains no changes from the agreement approved by the Commission on June 9, 1988. A check for the civil penalty (\$500) has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Badger Political Action Committee and Betty Chrustowski, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

Date 7/28/88

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondent

Staff Assigned: Deborah Curry

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Badger Political Action Committee) MUR 2540
and Betty Chrustowski, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 3, 1988, the Commission decided by a vote of 6-0 to take the following actions in MUR 2540:

1. Accept the conciliation agreement with Badger Political Action Committee and Betty Chrustowski, as treasurer, as recommended in the General Counsel's report signed July 28, 1988.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report signed July 28, 1988.

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

Attest:

8/3/88
Date

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

Received in the Office of Commission Secretary: Mon., 8-1-88, 10:39
Circulated on 48 hour tally basis: Mon., 8-1-88, 4:00
Deadline for vote: Wed., 8-2-88, 4:00

38040721259



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 8, 1988

Jerry Benjamin
Badger Political Action Committee
8050 N. Port Washington Road
Milwaukee, Wisconsin 53217

RE: MUR 2540
Badger Political Action
Committee and Betty
Chrustowski, as
treasurer

Dear Mr. Benjamin:

On August 3, 1988, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441a(a)(1)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your clients. 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 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

88040721260

flm

@CC# 9647

BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL RECEIVED

88 JUN 27 AM 9:31

In the Matter of)
Badger Political Action Committee) MUR 2540
and Betty Chrustowski, 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 Badger Political Action Committee and Betty Chrustowski, as treasurer, ("Respondents") violated 2 U.S.C. § 441a(a)(1)(A) by making two excessive contributions to two federal candidate committees.

88 JUN 30 AM 10:30

FEDERAL RECEIVED
FEDERAL ELECTION COMMISSION

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. Badger Political Action Committee ("Badger PAC") is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Betty Chrustowski is treasurer of Badger PAC.

3. Badger PAC's 1986 October Quarterly Report disclosed two contributions to two federal candidate committees of \$2,000 each on August 11, 1986 and August 21, 1986 (Cranston for Senate 1986 and Committee for Wirth).

4. The Act precludes a political Committee, other than a multicandidate committee, from making a contribution to a candidate for Federal office in excess of \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A).

5. However, under the Act multicandidate committees may make contributions to a federal candidate that do not exceed \$5,000 per election. 2 U.S.C. § 441a(a)(2)(A).

6. The criteria for multicandidate status is six months registration with the Commission, contributions from more than fifty persons and contributions to five or more candidates for Federal office. 2 U.S.C. § 441a(a)(4).

7. Badger PAC had not fulfilled the multicandidate committee requirement of contributions to five or more federal candidates at the time the contributions in question were made.

8. Therefore, Badger PAC was not a qualified multicandidate committee at the time the contributions in this matter were made.

9. Consequently, Badger PAC was limited to \$1,000 in contributions per election and per federal candidate committee.

10. Badger PAC's two contributions of \$2,000 each to two federal candidate committees exceeded the contribution limit by \$1,000 per recipient committee for a total of \$2,000.

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11. Badger PAC made two excessive contributions totalling \$2,000, in violation of 2 U.S.C. § 441a(a)(1)(A).

12. The \$1,000 excessive contributions made to two candidates have been refunded.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Hundred dollars (\$500), 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 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

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

By: *Lois G. Lerner* August 8, 1988
Lois G. Lerner Date
Associate General Counsel

FOR THE RESPONDENTS:

Jerry Benjamin June 23, 1988
Jerry Benjamin Date
Counsel for Respondents

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2540

DATE FILMED 9/14/00 CAMERA NO. 2

CAMERAMAN K.A.U.

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