FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 256

Date Filmed 10/30/80 Camera No. --- 2

Cameraman SPC

FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

MEMORANDUM

TO: The Public

FROM: The Federal Election Commission

SUBJECT: Additional Documents Available - MUR 256

In addition to the documents presently on the public record, there are [redacted] cartons of miscellaneous back-up materials that are available upon request. Should anyone be interested in reviewing those materials please contact any staff member in the Public Records Division, and allow a few days for delivery.

Box 1

1. Notebooks of subpoenaed records relative to:

   William Tucker — Jack Greenblatt
   Larry Alexander — Richard Somach

2. Notebook of Statements - 23 Nevada witnesses

3. File for David Grimes

4. File for Diane Gass

5. File for Glenda Harris

6. File for Charles D. Luciana

7. File for Don Luciano

8. File for John Munog

9. File for James Shepard

10. File for Thomas Sullivan

11. File for Evelyn Thomas

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Box 2

File for Sandra Stouffer
Gary Goldberg
Joan Wilhelm
Texas Contributor Documentation and
Bank Account Information
Texas
North Carolina Contributor Documentation
Michigan Contributor Documentation
Nevada Investigation
Richard D. Rudolph
Charles Martel
Daniel Moss
Fred Dantanio
Winfield Manufacturing and
Milton Weinstein
Samuel Hoffman
Donald Hughes
Phil Margolies
Robert Martin
Manuel Mata
William Pompili
Leo Shaffer
M. J. Signorelli
Marven Sillmar
Robert Williams
Dexter Shoe Company
Siegal/Norstan
Morrie Siegal
Marvin Fine
Stanley Kamecon
Charles M. Smith
Nysia Lanier
Georgia -- Administrative & Interviews
Michigan Investigation

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Box 3

Bill Brady
Andrew Brusca
Robert & Michele Feinberg
Richard Danner
James Blake
Harry Burnstein
Jackie Fields
Patricia Henry
Melvin Helfant
John Davis Gaughan
John Frances Gaughan
Michael Gaughan
Bill Martin
Cherokee Industries
Carol Deatar
Joe Ernest
Bonnie Ganey
Lawrence Jewell
Beverly Skinna
Jessie Meford
Richard Moss
Cherokee Industries II
James Byram
Linda Bishop
Winfield Records
Winfield Records II
Mary Berryhill
Carol Stover
Ella Mae & Thomas Vaughan
Hugh & Nella Walker
Carol Winslett
Fred Fraser
Scott Campbell
Cherokee Industries III

Box 4

Depositions of Norval Reece
Stanley Siegal
Sandra Stauffer
Hugh Walker
Richard Moss
Beverly Skinner
Peter Brill
Milton Weinsten
Eleanor Elias
Jeffrey Weinsten
Zora Lee Nunley
Carol Deator
Glenda Harris
Charles Luciano
G. Thomas Miller

File for Gus Nicholas
Elmer Myers
William Beadling
Peter Bull
Sam Begler
Harold Americus
Lawrence Alexander
Abraham Cohn
Samuel Elias
Henry Satterwhite
G. Thomas Nuller
Norval Reece
William Wilcox
Richard Somach
Richard Tucker
Abraham Cohn
Eleanor Elias
Nevada Contributor Documentation
Nevada Contributor Documentation
North Carolina Investigation
Missouri Investigation

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Box 5

Missouri Contributor Documentation
Missouri Field Report
Ohio Contributor Documentation
Alabama Contributor Documentation
New York Contributor Documentation
New York Contributor Documentation (11)
Virginia Contributor Documentation
Alabama: Administrative
Colorado Contributor Documentation
Connecticut Contributor Documentation
Delaware Contributor Documentation
Florida Contributor Documentation
Illinois Contributor Documentation
New Jersey Contributor Documentation
Maryland Contributor Documentation
Massachusetts Contributor Documentation
Maine Contributor Documentation
Washington, D.C. Contributor Documentation
Virginia Fieldwork
Maryland Fieldwork
Michigan Fieldwork

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Box 6

California Contributor
General - File
Field Investigator Reports - Penn Mutal,
  Winfield & Cherokee
Committee Personnel
Miscellaneous
Staff Contributor, for Threshold State
Miscellaneous Documentation
Contacts with Justice

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256 (76)
Shapp for President	)	
Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 19, 1976, the Commission determined by a vote of 6-0, that there was reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, had been committed in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Commission Secretary

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256-7
Shapp for President Committee)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 17, 1977, the Commission determined by a vote of 4-0 that there was Reason to Believe a violation of 2 U.S.C.441f had been committed in the above-captioned matter. Commissioner Aikens abstained from voting. Commissioner Tiernan was not present at the time of the vote.

Marjorie W Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256 (76)
Shapp for President Committee)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on July 13, 1977, the Commission determined by a vote of 5-0 to approve the plan submitted by Counsel to Milton J. Shapp in a letter dated July 7, 1977, for repayment of $299,066.21, pursuant to 26 U.S.C. Section 9038(b)(1) Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Beverly Skinner)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. § 614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-1 (76)
	)	
Beverly Skinner	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Winfield Manufacturing Company of Winfield, Alabama.

In a deposition dated April 7, 1977, Hugh Walker, the plant manager at Winfield Manufacturing, testified that, in January, 1976, he received a telephone call from Mrs. Eleanor Elias, a fundraiser for the Shapp Committee. Mrs. Elias told Walker that she needed letters from five individuals stating that they were making contributions of $100 each to the Committee. Mrs. Elias told Walker not to send money with the letters. It was as a result of Mrs. Elias' request that Walker asked the respondent to sign the letter.

The respondent signed the letter, which was dated January 14, 1976. At Walker's direction the letter was forwarded, without contribution, to the Shapp Committee.

Sometime thereafter, the respondent received a receipt which indicated that the Committee had received $100 from her.

On April 21, 1977, the Commission found reason to believe that respondent had violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that she had knowingly permitted another person to use her name in effecting a contribution.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Beverly Skinner	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Beverly Skinner, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Skinner having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Beverly Skinner and the subject matter of this proceeding.

II. That respondent Skinner has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Skinner resides in Winfield, Alabama, and is employed by the Winfield Manufacturing Company in Winfield, Alabama.

B. On or around January 14, 1976, Hugh Walker, plant manager at Winfield Manufacturing Company, asked respondent Skinner to sign a letter to the Shapp for President Committee stating that respondent Skinner was making a $100 contribution to the Shapp for President Committee. Respondent Skinner signed a letter stating words to that effect.

C. Respondent Skinner was not asked to provide any funds to accompany the letter and has not contributed any of her personal funds to the Shapp for President Committee.

D. Respondent Skinner received a receipt from the Shapp for President Committee dated January 17, 1976, stating that the Committee received $100 from respondent Beverly Skinner.

Wherefore, respondent Skinner agrees:

I. Respondent Skinner's actions in signing a letter to the Shapp for President Committee stating that she was making a $100 contribution when she did not provide any of her personal funds constituted knowing permission to use her name to effect a contribution made by another person in her name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Skinner's actions in

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signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614. However, respondent Skinner's actions did not constitute a knowing and willful violation of said provisions.

II. Respondent Skinner agrees that she will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Skinner agrees that she will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

Beverly Skinner

Beverly Skinner

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DATE: 5/1/77

GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Richard Moss)

MUR 256-2(76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on July 7, 1977, the Commission approved by a vote of 5-0 the conciliation agreement submitted by the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-2(76)
Richard Moss	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Richard Moss violated 2 U.S.C. 441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Moss having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Richard Moss and the subject matter of this proceeding.

II. That respondent Moss has had a reasonable opportunity to demonstrate that no action should be taken in this matter, and that respondent Moss has provided the Federal Election Commission with a letter memorandum setting forth his reasons why no action should be taken against him.

III. That the pertinent facts in this matter are as follows:

A. Respondent Richard Moss resides in Golden, Mississippi, and is employed by Cherokee Industries, Cherokee, Alabama.

B. Sometime in late December of 1975 or early January of 1976, Moss was contacted by Jeffrey Weinsten, president and owner of Cherokee Industries, who told him that the Shapp for President Committee needed contributions in the amount of $250.00 from people in the State of Alabama.

C. Richard Moss made a contribution in his own name in the amount of $250.00 to the Shapp for President Committee. At the time of making this contribution, Moss was a resident of the State of Mississippi.

D. Richard Moss asked Zora Lee Nunley, then an employee of Cherokee Industries, if she would be interested in making a contribution to the Shapp for President Committee. She stated that she could not afford to make one. Moss then wrote Mrs. Nunley a check for $250.00 drawn from his personal funds. Mrs. Nunley then wrote a check to the Shapp for President Committee in the amount of $250.00 and forwarded it with a letter to the Shapp for President Committee. Mrs. Nunley's check was written on her account and she signed her name to the letter which accompanied the check.

Wherefore, respondent Moss agrees:

I. Respondent Moss' actions in giving Zora Lee Nunley $250.00 constituted the making of a contribution to the Shapp for President Committee in the name of another within the meaning of 2 U.S.C. 441f and its predecessor 18 U.S.C. 614. As such, respondent Moss' action in providing the funds to Zora Lee Nunley is in violation of 2 U.S.C. 441f/18 U.S.C. 614. However, respondent Moss' actions did not constitute a knowing and willful violation of said provisions.

II. Respondent Moss will pay a civil penalty in the amount of three hundred fifty ($350.00) dollars pursuant to 2 U.S.C. 437g(a)(6)(B).

III. Respondent Moss will not engage in future action in violation of the Federal Election Compaign Act, 2 U.S.C. 431, et seq.

IV. Respondent Moss agrees to testify at any Commission proceeding at which the matters at issue herein are relevant, with the

understanding that expenses of travel for such testimony will be borne by the Federal Election Commission as authorized by Federal statute or regulation.

GENERAL CONDITIONS

I. 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.

II. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the respondent Moss except for any action brought with respect to Paragraph I of these GENERAL CONDITIONS.

III. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IV. It is agreed that respondent Moss shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained in this agreement and to so notify the Commission.

Date: June 25th 1977

Richard Moss
Richard Moss

Date: 7/12/77

William C. Oldaker
General Counsel
Federal Election Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-2
Richard Moss	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 14, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that violations of 2 U.S.C. Section 441f had been committed by the respondent in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler and Thomson. Commissioner Aikens abstained from voting. Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

April 12, 1977

In the Matter of	)	
	)	MUR 256-2
RICHARD MOSS	)	

GENERAL COUNSEL'S REPORT

I. SUMMARY OF ALLEGATIONS

The Commission made a reason to believe finding that Cheorkee Industries may have violated 2 U.S.C. 441b and 441f in that contributions made by their employees may have been made with corporate funds. During the course of that investigation, the depositions of Jeffrey Weinsten, president and owner of Cheorkee Industries, Richard Moss, plant manager, and Zora Lee Nunley, a former employee, were taken. As a result of those depositions, the Commission made a reason to believe finding that Richard Moss may have violated 2 U.S.C. 441f in that he allegedly gave $250 to Zora Lee Nunley to make a contribution to the Shapp for President Committee.

II. EVIDENCE

Jeffrey Weinsten testified that he told Richard Moss that Governor Shapp was running for President and that he was trying to raise support in Alabama. (D. of J. Weinsten, pp. 31-32) Richard Moss testified that Weinsten said the Committee needed contributions in the amount of $250, and that he told Weinsten that he was going to make a contribution. (D. of R. Moss, p. 8)

Moss further testified that he gave Zora Lee Nunley, an employee of the plant, $250 to make a contribution to the Shapp for President Committee. (D. of R. Moss, pp 9-10; d. of Z. Nunley, pp. 7-8.) Moss stated that the $250 was from his personal funds and that he was not reimbursed by the corporation or any one else.

(deposition of R. Moss, pp. 16-17.). Moss also testified that the $250 contribution which he made was from his personal funds. (d. of R. Moss, p. 16.)

III. LEGAL ANALYSIS

2 U.S.C. 441f, and its predecessor 18 U.S.C. 614, prohibit a person from making a contributuion in the name of another. In our opinion the person supplying the funds is the person making the contribution.

IV. RECOMMENDATION

We recommendation a reasonable cause to believe finding that Richard Moss violated 2 U.S.C. 441f. A proposed voluntary conciliation agreement is attached in which we recommend a civil fine in the amount of $500, twice the amount of the illegal contribution.

William C. Oldaker
General Counsel

Dated: 4/12/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James Byram)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-cantioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-1 (76)
James Byram	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent James Byram violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent James Byram having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent James Byram and the subject matter of this proceeding.

II. That respondent Byram has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Byram resides in Winfield, Alabama, and was employed by Winfield Manufacturing Company in Winfield, Alabama in January of 1976.

B. On or around January 9, 1976, Hugh Walker, plant manager of Winfield Manufacturing Company in Winfield, Alabama, asked respondent Byram if he would write a check to the Shapp for President Committee in the amount of $250.00. Mr. Walker stated that $250.00 would be put in the account of Mr. Byram to cover the amount of the check. Respondent Byram agreed to write the check.

C. A short time later, respondent Byram was given a deposit slip dated January 9, 1976, which indicated that $250 had been deposited in the account of Mr. Byram at the Citizens Bank of Winfield.

D. Mr. Byram then signed a check which was dated January 9, 1976, and was payable to the order of the Shapp for President Committee in the amount of $250. Respondent Byram also signed a letter addressed to the Shapp for President Committee stating that the $250 check was a $250 contribution from him.

Wherefore, respondent Byram agrees:

I. Respondent Byram actions in accepting funds to cover the amount of a check written to the Shapp for President Committee and signing a letter stating that he was making a $200 contribution to the Shapp for President Committee constituted knowing permission to use

his name to effect a contribution made by another person in his name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Byram's actions in signing the check and the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614. However, respondent Byram's actions did not constitute a knowing and willful violation of said provisions.

II. Respondent Byram will pay a civil penalty in the amount of $25.00 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent Byram agrees that he will voluntarily testify before any Commission proceeding in which the matters at issue herein are relevant.

IV. Respondent Byram agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

James Byram

James Byram

DATE: 5/11/77

General Counsel
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256-1 (76)
James Byram)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-1 (76)
	)	
James Byram	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Winfield Manufacturing Company of Winfield, Alabama.

In a deposition dated April 7, 1977, Hugh Walker, the plant manager for Winfield, testified that he had asked James Byram, a Winfield employee, to write a check for $250 to the Shapp for President Committee. Walker told Byram that $250 would be deposited in his checking account to cover the amount of the check.

Walker made the deposit, from his own funds, to Byram's account. Walker then obtained Byram's check to the Shapp Committee and directed his secretary to obtain Byram's signature to an acknowledgement letter to accompany the check. Walker caused the letter and the check to be forwarded to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f and its predecessor 18 U.S.C. §614, in that he knowingly permitted his name to be used to effect a contribution by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mary Berryhill)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Mary Berryhill	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Mary Berryhill, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Berryhill having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Mary Berryhill and the subject matter of this proceeding.

II. That respondent Berryhill has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Berryhill resides in Winfield, Alabama, and is employed by the Winfield Manufacturing Company in Winfield, Alabama.

B. On or around January 14, 1976, Hugh Walker, plant manager at Winfield Manufacturing Company, asked respondent Berryhill to sign a letter to the Shapp for President Committee stating that respondent Berryhill was making a $100 contribution to the Shapp for President Committee. Respondent Berryhill signed a letter stating words to that effect.

C. Respondent Berryhill was not asked to provide any funds to accompany the letter and has not contributed any of her personal funds to the Shapp for President Committee.

D. Respondent Berryhill received a receipt from the Shapp for President Committee dated January 17, 1976, stating that the Committee received $100 from respondent Mary Berryhill.

Wherefore, respondent Berryhill agrees:

I. Respondent Berryhill's actions in signing a letter to the Shapp for President Committee stating that she was making a $100 contribution when she did not provide any of her personal funds constituted knowing permission to use her name to effect a contribution made by another person in her name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Berryhill's actions in

signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614. However, respondent Berryhill's actions did not constitute a knowing and willful violation of said provisions.

II. Respondent Berryhill agrees that she will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Berryhill agrees that she will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

William C. Oldaker
General Counsel
FEDERAL ELECTION COMMISSION

Mary Berryhill

DATE: 5/11/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mary Berryhill)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; Comissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-1 (76)
	)	
Mary Berryhill	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Winfield Manufacturing Company of Winfield, Alabama.

In a deposition dated January 17, 1977, the respondent a Winfield employee, testified that, on or about January 14, 1976, Hugh (Buddy) Walker, the Winfield plant manager, had asked her to sign a letter stating that she was making a $100 contribution to the Shapp for President Committee. Walker assured her that she would not actually have to make a contribution in connection with the letter. The respondent signed the letter, which was then forwarded, at Walker's direction, to the Shapp Committee without a contribution. Sometime thereafter, the respondent received a receipt which indicated that the Shapp Committee had received $100 from her.

In a deposition dated April 7, 1977, Hugh Walker testified that, in January, 1976, he received a telephone call from Mrs. Eleanor Elias, a fundraiser for the Shapp Committee. Mrs. Elias told Walker that she needed letters from five individuals stating that they were making contributions of $100 each to the Committee. Mrs. Elias told Walker not to send money with the letters. It was as a result of Mrs. Elias' request that Walker asked the respondent to sign the letter.

On April 21, 1977, the Commission found reason to believe that respondent had violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that she had knowingly permitted another person to use her name in effecting a contribution.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Jewel Lawrence)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-1(76)
Jewel Lawrence	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent Jewel Lawrence violated 2 U.S.C. 441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Lawrence having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Jewel Lawrence and the subject matter of this proceeding.

II. That respondent Lawrence has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Lawrence resides in Winfield, Alabama and is employed by the Winfield Manufacturing Company in Winfield, Alabama.

B. On or around January 14, 1976, Hugh Walker, plant manager at Winfield Manufacturing Company, asked respondent Lawrence to sign a letter to the Shapp for President Committee stating that respondent Lawrence was making a $100 contribution to the Shapp for President Committee. Respondent Lawrence signed signed a letter stating words to that effect.

C. Respondent Lawrence was not asked to provide any funds to accompany the letter and has not contributed any of her personal funds to the Shapp for President Committee.

D. Respondent Lawrence received a receipt from the Shapp for President Committee dated January 17, 1976, stating that the Committee received $100 from respondent Jewel Lawrence.

Wherefore, respondent Lawrence agrees:

I. Respondent Lawrence's actions in signing a letter to the Shapp for President Committee stating that she was making a $100 contribution when she did not provide any of her personal funds constituted knowing permission to use her name to effect a contribution made by another person in her name within the meaning of 2 U.S.C. 441f and its predecessor 18 U.S.C. 614. As such, respondent Lawrence's actions in signing the letter is in violation of 2 U.S.C. 441f/18 U.S.C. 614. However, respondent Lawrence's actions did not constitute a knowing and willful violation of said provisions.

II. Respondent Lawrence agrees that she will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Lawrence agrees that she will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. 431, et seq.

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

Jewel Lawrence

Jewel Lawrence

Date: 5/11/77

GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Jewell Lawrence)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/ 18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-1 (76)
	)	
Jewell Lawrence	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Winfield Manufacturing Company of Winfield, Alabama.

In a deposition dated January 17, 1977, the respondent a Winfield employee, testified that, on or about January 14, 1976, Hugh (Buddy) Walker, the Winfield plant manager, had asked her to sign a letter stating that she was making a $100 contribution to the Shapp for President Committee. Walker assured her that she would not actually have to make a contribution in connection with the letter. The respondent signed the letter, which was then forwarded, at Walker's direction, to the Shapp Committee without a contribution. Sometime thereafter, the respondent received a receipt which indicated that the Shapp Committee had received $100 from her.

In a deposition dated April 7, 1977, Hugh Walker testified that, in January, 1976, he received a telephone call from Mrs. Eleanor Elias, a fundraiser for the Shapp Committee. Mrs. Elias told Walker that she needed letters from five individuals stating that they were making contributions of $100 each to the Committee. Mrs. Elias told Walker not to send money with the letters. It was as a result of Mrs. Elias' request that Walker asked the respondent to sign the letter.

On April 21, 1977, the Commission found reason to believe that respondent had violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that she had knowingly permitted another person to use her name in effecting a contribution.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

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FEDERAL ELECTION COMMISSION

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

Letter to be sent to attorneys
representing the Respondents:

Dear Mr. :

This is to inform you that, after considering all relevant information submitted to it, the Commission has determined that it has reasonable cause to believe that has committed a violation of 2 U.S.C. §441f.

The Commission is under the opinion that your client's actions in

clearly constitutes his/her knowing permission for to use his/her name in effecting a contribution to the Shapp for President Committee.

Upon making a determination that there is reasonable cause to believe that the Act has been violated, the Commission is required to endeavor to correct any such violation by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement. If you have any questions regarding conciliation please contact Carolyn Reed (telephone no. 202-532-4039). This letter of notification shall remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you state to the Commission in writing that your client wishes the investigation to be made public.

Sincerely yours,

William C. Oldaker
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256-1 (76)
Bonnie Ganey)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION
May 4, 1977

In the Matter of	)	MUR 256-1 (76)
	)	
Bonnie Ganey	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Winfield Manufacturing Company of Winfield, Alabama.

In a deposition dated January 17, 1977, the respondent a Winfield employee, testified that, on or about January 14, 1976, Hugh (Buddy) Walker, the Winfield plant manager, had asked her to sign a letter stating that she was making a $100 contribution to the Shapp for President Committee. Walker assured her that she would not actually have to make a contribution in connection with the letter. The respondent signed the letter, which was then forwarded, at Walker's direction, to the Shapp Committee without a contribution. Sometime thereafter, the respondent received a receipt which indicated that the Shapp Committee had received $100 from her.

In a deposition dated April 7, 1977, Hugh Walker testified that, in January, 1976, he received a telephone call from Mrs. Eleanor Elias, a fundraiser for the Shapp Committee. Mrs. Elias told Walker that she needed letters from five individuals stating that they were making contributions of $100 each to the Committee. Mrs. Elias told Walker not to send money with the letters. It was as a result of Mrs. Elias' request that Walker asked the respondent to sign the letter.

On April 21, 1977, the Commission found reason to believe that respondent had violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that she had knowingly permitted another person to use her name in effecting a contribution.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256-1 (76)
Joe Earnest)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Joe Earnest	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Joe Earnest, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Earnest having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Joe Earnest and the subject matter of this proceeding.

II. That respondent Earnest has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Earnest resides in Winfield, Alabama, and is employed by the Winfield Manufacturing Company in Winfield, Alabama.

B. On or around January 14, 1976, Hugh Walker, plant manager at Winfield Manufacturing Company, asked respondent Earnest to sign a letter to the Shapp for President Committee stating that respondent Earnest was making a $100 contribution to the Shapp for President Committee. Respondent Earnest signed a letter stating words to that effect.

C. Respondent Earnest was not asked to provide any funds to accompany the letter and has not contributed any of her personal funds to the Shapp for President Committee.

D. Respondent Earnest received a receipt from the Shapp for President Committee dated January 17, 1976, stating that the Committee received $100 from respondent Joe Earnest.

Wherefore, respondent Earnest agrees:

I. Respondent Earnest's actions in signing a letter to the Shapp for President Committee stating that he was making a $100 contribution when he did not provide any of his personal funds constituted knowing permission to use his name to effect a contribution made by another person in his name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Earnest's actions in

signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614. However, respondent Earnest's actions did not constitute a knowing and willful violation of said provisions.

II. Respondent Earnest agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Earnest agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437(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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

William C. Oldaker
General Counsel
FEDERAL ELECTION COMMISSION

Joe Earnest

DATE: 5/6/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Joe Ed Earnest)

MUR 256-1

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION
May 4, 1977

In the Matter of	)	MUR 256-1 (76)
	)	
Joe Ed Earnest	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Winfield Manufacturing Company of Winfield, Alabama.

In a deposition dated January 26, 1977, the respondent a Winfield employee, testified that, on or about January 14, 1976, Hugh (Buddy) Walker, the Winfield plant manager, had asked him to sign a letter stating that he was making a $100 contribution to the Shapp for President Committee. Walker assured him that he would not actually have to make a contribution in connection with the letter. The respondent signed the letter, which was then forwarded, at Walker's direction, to the Shapp Committee without a contribution. Sometime thereafter, the respondent received a receipt which indicated that the Shapp Committee had received $100 from him.

In a deposition dated April 7, 1977, Hugh Walker testified that, in January, 1976, he received a telephone call from Mrs. Eleanor Elias, a fundraiser for the Shapp Committee. Mrs. Elias told Walker that she needed letters from five individuals stating that they were making contributions of $100 each to the Committee. Mrs. Elias told Walker not to send money with the letters. It was as a result of Mrs. Elias' request that Walker asked the respondent to sign the letter.

On April 21, 1977, the Commission found reason to believe that respondent had violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that he had knowingly permitted another person to use his name in effecting a contribution.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Jerry Webster)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-1 (76)
Jerry Webster	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent Jerry Webster violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Jerry Webster having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Jerry Webster and the subject matter of this proceeding.

II. That respondent Webster has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Webster resides in Winfield, Alabama, and is employed by the Winfield Manufacturing Company in Winfield, Alabama.

B. On or around January 9, 1976, Hugh Walker, plant manager of Winfield Manufacturing Company in Winfield, Alabama, asked respondent Webster if he would write a check to the Shapp for President Committee in the amount of $500,00. Mr. Walker stated that $500.00 would be put in the account of Mr. and Mrs. Jerry Webster to cover the amount of the check. Two hundred fifty dollars of the amount was to represent a contribution to the Shapp for President Committee for respondent Webster and two-hundred fifty dollars was to represent a contribution from his wife, Ann. Respondent Webster agreed to write the check.

C. A short time later, respondent Webster was given a deposit slip dated January 9, 1976, which indicated that $500 had been deposited in the account of Mr. and Mrs. Jerry Webster at the Citizens Bank of Winfield.

D. Mr. Webster then signed a check which was dated January 9, 1976, and was payable to the order of the Shapp for President Committee in the amount of $500. Respondent Webster also signed a letter addressed to the Shapp for President Committee stating that the $500 check was a $250 contribution from him and a $250 contribution from his wife.

Wherefore, respondent Webster agrees:

I. Respondent Webster's actions in accepting funds to cover the amount of a check written to the Shapp for

President Committee and signing a letter stating that he and his wife were making a $500 contribution to the Shapp for President Committee constituted knowing permission to use their names to effect a contribution made by another person in their names within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Webster's actions in signing the check and the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614. However, respondent Webster's actions did not constitute a knowing and willful violation of said provisions.

II. Respondent Webster will pay a civil penalty in the amount of $25.00 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent Webster agrees that he will voluntarily testify before any Commission proceeding in which the matters at issue herein are relevant.

IV. Respondent Webster agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have

executed same and the Commission has approved the entire agreement.

Jerry Webster

Jerry Webster

DATE: 5/11/77

GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Jerry Webster)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-1 (76)
	)	
Jerry Webster	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Winfield Manufacturing Company of Winfield, Alabama.

In a deposition dated January 26, 1977, Jerry Webster, a Winfield employee, testified that, in the first week of January, 1976, Hugh Walker, the Winfield plant manager, asked him to write a check for $500 to the Shapp for President Committee. Walker told the respondent that $500 would be put into his checking account to cover the amount of the check. A $500 deposit was, in fact, made to the respondent's account. The respondent does not know who made the deposit. After the respondent had been apprised of the deposit, he gave one of his personal checks to Walker. Shortly thereafter, the respondent was called into Walker's office to sign the check, which Walker's secretary had filled out entirely except for signature.

The respondent signed the check, which was dated January 9, 1976. A day or two later, at the request of Walker's secretary, the respondent and his wife signed letters acknowledging contributions of $250 each to the Shapp Committee.

In a deposition dated April 7, 1977, Hugh Walker corroborated the testimony given by the respondent and admitted that he had made the deposit to respondent's account from his own personal savings.

On April , 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f and its predecessor 18 U.S.C. §614, in that he knowingly permitted his name to be used to effect a contribution by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Letter to be sent to attorneys
representing the Respondents:

Dear Mr. :

This is to inform you that, after considering all relevant information submitted to it, the Commission has determined that it has reasonable cause to believe that has committed a violation of 2 U.S.C. §441f.

The Commission is under the opinion that your client's actions in

clearly constitutes his/her knowing permission for to use his/her name in effecting a contribution to the Shapp for President Committee.

Upon making a determination that there is reasonable cause to believe that the Act has been violated, the Commission is required to endeavor to correct any such violation by informal methods of conference, conciliation and persuasion, and to enter into a conciliation agreement. If you have any questions regarding conciliation please contact Carolyn Reed (telephone no. 202-532-4039). This letter of notification shall remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you state to the Commission in writing that your client wishes the investigation to be made public.

Sincerely yours,

William C. Oldaker
General Counsel

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

77 JUN 24 P 2:33

TO: THE COMMISSIONERS

FROM: William C. Oldaker

RE: Conciliation agreement with Hugh Walker - MUR 256-1(76)

Attached is a conciliation agreement which has been signed by Hugh Walker, plant manager of the Winfield Manufacturing Company. The underlined portions represent changes incorporated by Mr. Walker. The civil penalty, $50.00, is within the range approved by the Commission, $0-100.

We recommend acceptance of this agreement.

EXECUTIVE SESSION

JUN 30 1977

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-1(76)
Hugh Walker	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that Respondent, Hugh Walker, violated 2 U.S.C. 441f.

Now, therefore, the respective parties herein, the Federal Election Commission and Respondent Hugh Walker having duly entered into conciliation pursuant to Section 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over Respondent Hugh Walker and the subject matter of this proceeding.

II. That Respondent Hugh Walker has had a reasonable opportunity to demonstrate that no action should be taken in this matter, and that Respondent Hugh Walker has through his counsel orally advised the Federal Election Commission his reasons why no action should be taken against him.

III. That the pertinent facts in this matter are as follows:

A. Respondent Hugh Walker resides in Winfield, Alabama, and is employed by Winfield Manufacturing Company as plant manager.

B. In early January of 1976, Milton Weinsten, the President of Winfield Manufacturing Company, telephoned Respondent Hugh Walker and told him that he would like to see Governor Milton Shapp get some help from the people of Alabama in his campaign for the

Presidency of the United States. Weinsten told the Respondent that the Shapp for President Committee needed some contributions and some letters to accompany the contributions. Weinsten told the Respondent that the Shapp for President Committee needed $2,000.00, and that people should contribute $250.00 per individual or $500.00 per couple. Weinsten also told the Respondent that if he (Walker) should make a contribution and that if Walker were to give several key employees of Winfield Manufacturing the money to contribute, he (Walker) would get his money back.

C. Respondent Walker spoke with four employees, James Jerry Webster, Thomas Vaughan, Carole Winslett, and James M. Byram. Respondent Walker told each employee that he and Mr. Weinsten would appreciate the employees writing a check and a letter to the Shapp for President Committee. Respondent Walker suggested that the employees write their checks in the amount of $250.00 per individual or $500.00 per couple. Respondent Walker told the employees that he would make deposits to their personal checking accounts to cover the amounts of their checks.

D. On or around January 9, 1976, Respondent Walker had $2,000.00 withdrawn from his personal savings account and had deposits made in the personal checking accounts of employees as follows: $500.00 in the account of Jerry and Ann Webster; $500.00 in the account of Thomas and Ella Mae Vaughan; $250.00 in the account of Carole Winslett; $250.00 in the account of James Byram; and $500.00 in the account of Respondent Walker and his wife, Nella.

E. After they had been apprised that the deposits had been made to their accounts, the employees and Respondent Walker signed

checks payable to the Shapp for President Committee in amounts corresponding to the deposits made in their accounts.

F. At the direction of Respondent Walker, Carole Winslett typed letters to the Shapp for President Committee for the employees to sign. The letters stated that the employees were making a contribution to the Shapp for President Committee. The letter signed by Jerry Webster stated that the $500.00 contribution accompanying his letter was a $250.00 contribution from him and a $250.00 contribution from his wife, Ann. The letter signed by Thomas Vaughan stated that the $500.00 contribution accompanying his letter was a $250.00 contribution from him and a $250.00 contribution for his wife, Ella Mae. The letter signed by Respondent Walker stated that the $500.00 contribution accompanying his letter was a $250.00 contribution from him and a $250.00 contribution from his wife, Nella. The letter signed by Carole Winslett stated that the $250.00 contribution accompanying her letter was a $250.00 contribution from Ms. Winslett. The letter signed by James Byram stated that the $250.00 contribution accompanying his letter was a $250.00 contribution from Byram. The checks and letters were forwarded to the Shapp for President Committee.

G. On or around January 14, 1976, Carole Winslett received a telephone call from Mrs. Eleanor Elias who stated that she was associated with the Shapp for President Committee. Mrs. Elias asked Ms. Winslett to obtain letters from five individuals stating that they were making contributions of $100.00 each to the Shapp for President Committee. Mrs. Elias told Ms. Winslett that they did not need to send any money to accompany the letters and that she would take care of the money. Ms. Winslett told Mrs. Elias that she would have to talk with Respondent Walker. Mrs. Elias then related the foregoing to Respondent Walker.

H. As a result of the telephone call from Mrs. Elias, Respondent Walker asked Bonnie Ganey, Jewel Lawrence, Beverly Skinner, Mary Berryhill, and Joe Earnest to sign letters to the Shapp for President Committee stating that each was making a $100.00 contribution to the Shapp for President Committee. The signed letters were forwarded to the Shapp for President Committee, and no money was sent with the letters.

I. On or around January 16, 1976, Respondent Walker received a check for $2,000.00 drawn on the Winfield Manufacturing Company account. Respondent Walker understood this check to represent repayment to him for the personal funds he had withdrawn from his account to cover the contributions made in the names of Respondent Walker and his wife, Nella; Jerry Webster and his wife, Ann; Thomas Vaughan and his wife, Ella Mae; Carole Winslett; and James Byram.

J. In December of 1976, Respondent Walker was told by Bill Martin, general manager of Winfield Manufacturing Company, that $2,000.00 would be deducted from his annual bonus. When Respondent Walker asked why, Martin replied that he had been instructed by Milton Weinsten to deduct the amount from Respondent's bonus as a repayment for the loan Winfield Manufacturing Company had made to Respondent Walker in January of 1976.

K. Sometime in February of 1977, Respondent Walker spoke with Milton Weinsten and told him that he had not understood the $2,000.00 transfer in January of 1976 to have been a loan. Weinsten replied that he was sorry but by law Weinsten could not furnish the money.

Wherefore, Respondent Hugh Walker agrees:

I. That he at no time intended to contribute to the Shapp for President Committee with his personal funds; that he wrote his personal check to the Shapp for President Committee only upon the assurance of Milton Weinsten that he would get his money back; and that Respondent Walker was reimbursed for his contribution by a check drawn on the account of Winfield Manufacturing Company, dated January 16, 1976. As such, Respondent Walker's actions constituted the making of a contribution in the name of another within the meaning of 2 U.S.C. 441f, and its predecessor, 18 U.S.C. 614. However, Respondent Walker's actions did not constitute a knowing and willful violation of said provisions.

II. That he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. That he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. 431, et seq.

IV. That he will pay a civil penalty in the amount of Fifty ($50.00) Dollars, pursuant to 2 U.S.C. 437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. The Commission agrees that it shall recommend against any subsequent action, whether civil or criminal, against the Respondent Walker, except for any action brought with respect to Paragraph I of these GENERAL CONDITIONS.

III. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IV. It is agreed that Respondent Walker shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained herein, and will so notify the Commission.

Date: 6-10-77

Hugh Walker

Hugh Walker

Date: 7/1/77

William C. Oldaker
General Counsel
Federal Election Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Thomas Vaughn)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-1 (76)
Thomas Vaughn	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent Thomas Vaughn violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Thomas Vaughn having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Thomas Vaughn and the subject matter of this proceeding.

II. That respondent Vaughn has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Vaughn resides in Winfield, Alabama, and is employed by the Winfield Manufacturing Company in Winfield, Alabama.

B. On or around January 9, 1976, Hugh Walker, plant manager of Winfield Manufacturing Company in Winfield, Alabama, asked respondent Vaughn if he would write a check to the Shapp for President Committee in the amount of $500.00. Mr. Walker stated that $500.00 would be put in the account of Mr. and Mrs. Thomas Vaughn to cover the amount of the check. Two hundred fifty dollars of the amount was to represent a contribution to the Shapp for President Committee for respondent Vaughn and two-hundred fifty dollars was to represent a contribution from his wife, Ella Mae. Respondent Vaughn agreed to write the check.

C. A short time later, respondent Vaughn was given a deposit slip dated January 9, 1976, which indicated that $500 had been deposited in the account of Mr. and Mrs. Thomas Vaughn at the Citizens Bank of Winfield.

D. Mr. Vaughn then signed a check which was dated January 9, 1976, and was payable to the order of the Shapp for President Committee in the amount of $500. Respondent Vaughn also signed a letter addressed to the Shapp for President Committee stating that the $500 check was a $250 contribution from him and a $250 contribution from his wife.

E. Sometime after that, respondent Vaughn received a letter from the Shapp for President Committee stating that they needed the signature of his wife Ella Mae.

Respondent Vaughn asked his wife to sign a letter to the Shapp for President Committee stating that she was contributing $250 to the Committee.

Wherefore, respondent Vaughn agrees:

I. Respondent Vaughn's actions in accepting funds to cover the amount of a check written to the Shapp for President Committee and signing a letter stating that he and his wife were making a $500 contribution to the Shapp for President Committee constituted knowing permission to use their names to effect a contribution made by another person in their names within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Vaughn's actions in signing the check and the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614. However, respondent Vaughn's actions did not constitute a knowing and willful violation of said provisions.

II. Respondent Vaughn will pay a civil penalty in the amount of $25.00 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent Vaughn agrees that he will voluntarily testify before any Commission proceeding in which the matters at issue herein are relevant.

IV. Respondent Vaughn agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

Thomas W Vaughn
Thomas Vaughn

DATE: 5/11/77

William C. Lee
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

8004022122

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Thomas Vaughan)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, and Thomson: Commissioner Aikens abstained from voting; Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

00042212010

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-1 (76)
	)	
Thomas Vaughan	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Winfield Manufacturing Company of Winfield, Alabama.

In a deposition dated January 26, 1977, Thomas Vaughan, a Winfield employee, testified that, in the first week of January, 1976, Hugh Walker, the Winfield plant manager, asked him to write a check for $500 to the Shapp for President Committee. Walker told the respondent that $500 would be put into his checking account to cover the amount of the check. A $500 deposit was, in fact, made to the respondent's account. The respondent does not know who made the deposit. After the respondent had been apprised of the deposit, Walker's secretary asked him to sign a check that she had already filled out except for signature.

The respondent signed the check which was dated January 9, 1976. He also signed an acknowledgement letter which accompanied his check.

Sometime thereafter, the respondent and his wife received a letter from the Shapp Committee requesting an acknowledgement letter from respondent's wife. At the respondent's request, Walker's secretary typed the letter. Respondent's wife then signed the letter acknowledging her $250 contribution and caused it to be forwarded to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f and its predecessor 18 U.S.C. §614, in that he knowingly permitted his name to be used to effect a contribution by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-1 (76)
Carole Winslett Stovall	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-1 (76)
Carole Winslett Stovall	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent Carole Winslett Stovall violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Carole Winslett Stovall having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Carole Winslett Stovall and the subject matter of this proceeding.

II. That respondent Stovall has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Stovall resides in Winfield, Alabama, and is employed by the Winfield Manufacturing Company in

Winfield, Alabama. In January of 1976, respondent Stovall was known by the name of Carole Winslett.

B. On or around January 9, 1976, Hugh Walker, plant manager of Winfield Manufacturing Company in Winfield, Alabama, asked respondent Stovall if she would write a check to the Shapp for President Committee in the amount of $250.00 Mr. Walker stated that $250.00 would be put in the account of Ms. Stovall to cover the amount of the check. Respondent Stovall agreed to write the check.

C. A short time later, respondent Stovall was given a deposit slip dated January 9, 1976, which indicated that $250 had been deposited in the account of Ms. Stovall at the Citizens Bank of Winfield.

D. Ms. Stovall then signed a check which was dated January 9, 1976, and was payable to the order of the Shapp for President Committee in the amount of $250. Respondent Stovall also signed a letter addressed to the Shapp for President Committee stating that the $250 check was a $250 contribution from her.

E. On or around January 14, 1976, Eleanor Flias, who was known to respondent Stovall as a fundraiser for the Shapp for President Committee, called respondent Stovall and told her that the Committee needed letters from five employees stating that they were making $100 contributions

to the Shapp for President Committee. Mrs. Elias stated that the employees did not have to furnish any funds with the letters.

Wherefore, respondent Stovall agrees:

I. Respondent Stovall's actions in accepting funds to cover the amount of a check written to the Shapp for President Committee and signing a letter stating that she was making a $250 contribution to the Shapp for President Committee constituted knowing permission to use her name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Stovall's actions in signing the check and the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614. However, respondent Stovall's actions did not constitute a knowing and willful violation of said provisions.

II. Respondent Stovall will pay a civil penalty in the amount of $25.00 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent Stovall agrees that he will voluntarily testify before any Commission proceeding in which the matters at issue herein are relevant.

IV. Respondent Stovall agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437(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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

Carole Winslett Stovall

Carole Winslett Stovall

DATE: 5/11/77

GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

8004022127

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Federal Election Commission	)	
	)	MUR 256
vs.	)	
	)	
Eleanor Elias	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, certify that on March 22, 1979, the Commission determined by a vote of 5-0 to adopt the recommendation of the General Counsel to dismiss its civil action against Mrs. Eleanor Elias.

Commissioners Harris, Friedersdorf, McGarry, Thomson, and Tiernan voted affirmatively for this determination. Commissioner Aikens abstained from voting.

Attest:

3/23/79
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

EXECUTIVE SESSION
March 22, 1979

FEDERAL ELECTION COMMISSION

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

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker

SUBJECT: Status of FEC v. Eleanor Elias

DATE: March 20, 1979

On June 8, 1978, the Commission filed a civil action against Eleanor Elias, a paid fundraiser for the Shapp for President Committee, in the Eastern District of Pennsylvania alleging violations of 2 U.S.C. §§ 441f and 441a.

On October 18, 1978, the Grand Jury in the Middle District of Pennsylvania indicted Eleanor Elias for violations of the federal election laws. Mrs. Elias entered into plea bargaining. As a result of the plea bargaining, Mrs. Elias pled guilty to 12 counts of violating 2 U.S.C. § 441f by making contributions in the name of another person and/or accepting contributions which Mrs. Elias knew to be made by one person in the name of another. At her recent sentencing, Mrs. Elias was fined $6,000 ($500 for each count) and put on probation for one year.

The civil action has continued to pend awaiting the outcome of the criminal proceedings. Now that the criminal proceedings are completed, the Commission needs to decide what further action, if any, it wishes to pursue. On March 19, 1979, the Court requested a meeting with counsel on March 26, 1979, at which time we will need to inform the court of the Commission's intentions in this matter.

In that the Commission referred this case to the Justice Department and the respondent was convicted

Memo to Commission
Re: Status of FEC v.
Eleanor Elias

based on the referred violations, we recommend that the Commission not proceed further.

Thus, the Office of the General Counsel recommends that the Commission authorize the General Counsel to dismiss its civil action against Mrs. Elias.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Eleanor Elias)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 1, 1978, the Commission determined by a vote of 5-0 to adopt the recommendation of the General Counsel to find probable cause to believe that Eleanor Elias violated 2 U.S.C. Section 441f of the Federal Election Campaign Act, and authorize the filing of a civil action in the above-captioned matter.

Commissioner Aikens abstained from voting in this matter.

Marjorie W. Emmons

Date: 6/2/78

Marjorie W. Emmons
Secretary to the Commission

Executive Session
June 1, 1978

BEFORE THE FEDERAL ELECTION COMMISSION
May 25, 1978

In the Matter of	)	
	)	MUR 256 (76)
Eleanor Elias	)	

GENERAL COUNSEL'S REPORT

On May 11, 1977, the Commission found reasonable cause to believe that Eleanor Elias committed a knowing and willful violation of 2 U.S.C. §441f/18 U.S.C. §614. The facts supporting those findings were set forth in our May 10, 1977, General Counsel's Report. On June 1, 1977, the Commission made a §437g(a)(5)(D) finding and referred the matter to the Attorney General for criminal investigation and prosecution.

On March 21, 1978, the Commission directed us to resume our enforcement procedures and we submitted a proposed conciliation agreement to respondent. On April 28, 1978, we received a response from Mrs. Elias' counsel which indicated an unwillingness to conciliate.

On May 3, 1978, we presented respondent's response letter to the Commission with a report that also advised that the Assistant Attorney General had submitted a renewed request for the Commission to defer any civil action in the matter. The Commission voted to defer any further action until June 1, 1978.

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We are writing to Respondent's counsel (see attached) to advise him that the Commission would not agree to conciliate on the basis of counsel's letter. Considering this unwillingness to conciliate and the Commission's direction to defer action until June 1, 1978, we think it is now appropriate for the Commission to make a finding of probable cause to believe and authorize a civil suit. Should respondent indicate any subsequent willingness to sign an agreement that might be acceptable, we will advise the Commission.

RECOMMENDATION

Find probable cause to believe that Eleanor Elias violated 2 U.S.C. §441f of the Federal Election Campaign Act, and authorize the filing of a civil action.

26 May 1978
Date

William C. Oldaker
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION
May 10, 1979

In the Matter of	)	
	)	MUR 256
Abraham D. Cohn	)	

CONCILIATION AGREEMENT

This matter was initiated by the respondent, Abraham D. Cohn, sua sponte. An investigation has been conducted and the Federal Election Commission (the "Commission") has found reasonable cause to believe that the respondent Cohn has violated Section 441f of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

Now, therefore, the respondent Abraham D. Cohn and the Commission, having entered into conciliation pursuant to 2 U.S.C. § 437g(a)(5)(A), do hereby agree to the following:

1. That the Commission has jurisdiction over the respondent Abraham D. Cohn and over the subject matter of this proceeding.
2. That the respondent Abraham D. Cohn has had reasonable opportunity to demonstrate that no action should be taken in this matter.
3. That the pertinent facts in this matter are as follows:
   a. At a fundraising meeting of the Shapp for President Committee ("SFPC"), conducted on or about January 7, 1976, respondent Cohn agreed that he would try to raise contributions to SFPC from, inter alia, residents of the State of Maine.

b. On or about January 10, 1976, respondent Cohn contacted Allan J. Rosenthal of Boston, Massachusetts, and asked him to assist in obtaining two contributions of $250.00 each from residents of the State of Maine. Mr. Cohn advised that, if necessary, he would reimburse the contributors.

c. Mr. Rosenthal contacted Norman Reef, a Maine attorney. Mr. Reef declined to make a contribution to SFPC himself, but offered to solicit contributions from his law partners.

d. One of Mr. Reef's partners made a bona fide contribution to SFPC. Another, Thomas P. Hardy, did not have the funds to make such a contribution, and Mr. Reef purchased a $250.00 cashier's check in Mr. Hardy's name.

e. Both the bona fide contribution and the cashier's check in Mr. Hardy's name were mailed to Mr. Cohn at his residence in Harrisburg. On or about January 16, 1976, Mr. Cohn delivered both to SFPC Headquarters.

f. Mr. Rosenthal telephoned Mr. Cohn and advised him that his financial assistance would be necessary.

g. Mr. Cohn wrote a personal check for $500.00 dated January 13, 1976, and forwarded it to Mr. Rosenthal. Mr. Cohn had advised Mr. Rosenthal that the check was intended as a reimbursement for the contributions.

h. Mr. Rosenthal, through an intermediary, forwarded the proceeds of the check to Norman Reef.

i. 2 U.S.C. § 441f provides that: "No person shall make a contribution in the name of another person...."

j. Abraham D. Cohn violated 2 U.S.C. § 441f by reimbursing Norman Reef the amount of the cashier's check Mr. Reef had purchased in the name of Thomas P. Hardy, which check ultimately was delivered to the Shapp for President Committee.

WHEREFORE, respondent Abraham C. Cohn agrees:

4. That, by reimbursing Norman Reef the amount Mr. Reef had expended in purchasing a cashier's check in the name of Thomas P. Hardy, which check ultimately was delivered to the Shapp for President Committee, he violated 2 U.S.C. § 441f.

5. That he will testify before any Commission proceeding, or before any other proceeding, at which the matters at issue herein are relevant.

6. That he will, now and in the future, comply in all respects with the Federal Election Campaign Act of 1971, as amended.

7. That, pursuant to 2 U.S.C. § 437(g)(a)(6) he will pay to the Treasury of the United States a civil penalty of two hundred fifty (250) dollars.

The Federal Election Commission and Abraham D. Cohn enter into this conciliation agreement under the following GENERAL CONDITIONS:

8. 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.

9. This agreement shall become effective as of the moment that both parties hereto have executed same and the Commission has approved the entire agreement.

10. The respondent Abraham D. Cohn shall deliver to the Office of General Counsel, Federal Election Commission, the civil penalty specified in paragraph 7, above, within thirty days of the date he is formally notified of the Commission's approval of this agreement.

Abraham D. Cohn
Respondent

June 12th 1979
Date

FOR THE FEDERAL ELECTION COMMISSION:

William C. Oldaker
General Counsel

7/2/79
Date

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256
Abraham D. Cohn)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 29, 1979, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the General Counsel's Memorandum dated June 26, 1979, regarding the above-captioned matter:

1. Approve the conciliation agreement submitted by Abraham D. Cohn, as clarified by his letter of June 12, 1979.

2. Authorize the Office of General Counsel to send the letter of notification, Attachment B to the above-named memorandum.

Voting for this determination were Commissioners Friedersdorf, Harris, McGarry, Thomson, and Tiernan.

Commissioner Aikens abstains on this matter.

Attest:

6/29/79
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 6-26-79, 5:03
Circulated on 48 hour vote basis: 6-27-79, 11:00

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

5:03

MEMORANDUM

June 26, 1979

TO: The Commission

FROM: William C. Oldaker

SUBJECT: Conciliation Agreement MUR 256 (Cohn)

BACKGROUND:

On May 24, 1979, the Commission found reasonable cause to believe that Abraham D. Cohn violated 2 U.S.C. §441f, and authorized the Office of General Counsel to seek conciliation of this matter.

Mr. Cohn has agreed to the terms of our proposed conciliation agreement and has returned a signed copy. In his cover letter, which he requested be made a part of the agreement, Mr. Cohn advised that he has no personal knowledge or recollection as to certain of the details set out in the document, but that, for the purposes of the agreement, he would not dispute their accuracy.

In January, 1976, Mr. Cohn contacted his son-in-law, Allan Rosenthal, who lived in Boston, and asked him to assist in raising contributions to the Shapp for President Committee from residents of the State of Maine. Mr. Cohn advised Mr. Rosenthal that, if necessary, he would reimburse the Maine contributors. Mr. Rosenthal contacted Norman Reef, a Maine business associate, who raised two contributions. The contributions were forwarded to Mr. Cohn's residence. Mr. Cohn provided Mr. Rosenthal with the funds to reimburse the contributors.

(In his letter, by reference to specific paragraphs in the conciliation agreement, Mr. Cohn states that he has no personal knowledge of the identity of the business associate contacted by Mr. Rosenthal, has no recollection as to whether the Maine contributions were made by cashier's

check or by recorded check, has no specific recollection as to the method he utilized in forwarding the contributions to Shapp headquarters, and has no personal knowledge as to how Mr. Rosenthal disbursed any of the funds which he (Cohn) provided him).

That Mr. Cohn may lack detailed knowledge of Mr. Rosenthal's activities does not detract from his violation of the Act, or from his admission to that violation. That Mr. Cohn recalls neither the type of instruments by which the contributions were made, nor how he delivered them to Shapp headquarters, is of no consequence. Therefore, we are not opposed to incorporating into the conciliation agreement the additional terms contained in Mr. Cohn's letter of June 12.

RECOMMENDATION:

1. Approve the concilation agreement submitted by Abraham D. Cohn, as clarified by his letter of June 12, 1979.

2. Authorize the Office of General Counsel to send the letter of notification at Attachment B.

Attachments

A. Ltr. of A.D. Cohn, dtd 12 June 79, w/conciliation agrmt.
B. Proposed ltr of notification

BEFORE THE FEDERAL ELECTION COMMISSION
May 10, 1979

In the Matter of)
) MUR 256
Abraham D. Cohn)

GENERAL COUNSEL'S REPORT

On March 27, 1979, the Commission found reason to believe that Abraham D. Cohn violated 2 U.S.C. § 441f.

Attached to our letter of notification was a series of questions to which we requested Mr. Cohn respond in writing. His sworn answers, essentially, provided the following information:

On or about January 7, 1976, Mr. Cohn attended a Shapp for President Committee fund raising dinner/meeting at the Governor's Mansion in Harrisburg. The attendees at that meeting were generally asked to assist in obtaining contributions from certain states. Mr. Cohn indicated that he would try to obtain contributions in Delaware, Maine and North Carolina.

Subsequently, Mr. Cohn contacted his son-in-law, Allan J. Rosenthal, of Boston, and asked him if he would assist in obtaining two contributions of $250.00 each from the State of Maine. Mr. Cohn advised Mr. Rosenthal that, if it were necessary, he (Cohn) would reimburse the contributors. Sometime around January 13, Mr. Rosenthal advised Mr. Cohn that financial assistance would be necessary.

On or about January 13, Mr. Cohn wrote a personal check for $500.00 to Mr. Rosenthal. Mr. Cohn intended

that the check be a reimbursement for contributions to SFPC, and so informed Mr. Rosenthal. To the best of Mr. Cohn's knowledge, Mr. Rosenthal reimbursed two contributors in Maine with the proceeds of this check. (See Attachment 1).

Shapp for President Committee records on file with the Commission list Mr. Cohn as the fundraiser responsible for four contributions of $250 each from residents of the State of Maine, all made on January 16, 1976.

Mr. Cohn's written answers indicate that he believed two contributions were to be reimbursed and that he acted accordingly. However, information made available to the Commission by the Department of Justice indicates that only one of the Maine contributions was made in violation of the Act. That information is as follows:

> Allan J. Rosenthal is a financial consultant. After receiving Mr. Cohn's call, Mr. Rosenthal contacted one of his clients, Norman Reef, a Maine attorney, and asked him if he would be interested in making a contribution to SFPC. Mr. Reef declined, but offered to solicit his law partners. One of the partners made a bona fide contribution. The other, William P. Hardy, did not have the funds to contribute, so Reef purchased a cashier's check in his name. Both the Hardy "contribution" and the other, legitimate, contribution, were mailed to Mr. Cohn's residence in Harrisburg. Mr. Cohn delivered them to SFPC Headquarters.

Apparently believing that both contributions required reimbursement, Mr. Cohn sent his $500.00 check to Mr. Rosenthal. Mr. Rosenthal deposited the check to his account and, through an intermediary, forwarded the money to Norman Reef.

Based on all the information cited above, there is sufficient basis for a finding of reasonable cause to believe that the respondent violated 2 U.S.C. § 441f, in that he reimbursed Norman Reef the amount of the cashier's check which Mr. Reef had purchased in the name of Thomas P. Hardy, which check ultimately was delivered to SFPC.

RECOMMENDATION:

1. Find reasonable cause to believe that Abraham D. Cohn violated 2 U.S.C. § 441f.
2. Authorize the Office of General Counsel to send to Mr. Cohn, through counsel, the letter and draft conciliation agreement at Attachment 2.

5/21/79
Date

William C. Oldaker
General Counsel

Attachments
1. Letter from Atty Thomas C. Green, dtd April 24, 1979, with written answers of Abraham D. Cohn.
2. a. Proposed letter of notification
   b. Proposed conciliation agreement

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
79 MAR 23 P12: 15

DATE AND TIME OF TRANSMITTAL
BY OGC TO COMMISSION MAR 23 1979

MUR NO. 256
DATE COMPLAINT RECIEVED
BY OGC -

STAFF MEMBER(S) Convery

COMPLAINANT'S NAME: (Sua Sponte)

RESPONDENT'S NAME: Abraham D. Cohn

RELEVANT STATUTE: 2 U.S.C. § 441f

INTERNAL REPORTS CHECKED: Various records developed in the course of FEC investigation into Shapp for President Committee

FEDERAL AGENCIES CHECKED: Department of Justice

BACKGROUND

By the attached letter, Thomas C. Green, attorney for Abraham D. Cohn, has brought this matter to the Commission's attention. (The letter was written pursuant to an agreement by which the Assistant Chief, Public Integrity Section, Department of Justice, declined to seek criminal prosecution against Mr. Cohn).

As can be seen, the letter contains the following essential information:

> In January, 1976, Mr. Cohn, on his own initiative, contacted his son-in-law [Allan J. Rosenthal], who resided in Boston, and asked him to try to procure contributions of $250 each for the Shapp for President Committee from [any] two residents of the State of Maine. Mr. Cohn advised Mr. Rosenthal that if he (Rosenthal) so desired, he (Cohn) would reimburse him the amount of the contributions. Accordingly, Mr. Cohn wrote a personal check, in the amount $500, to Mr. Rosenthal.

DISCUSSION

In his letter, Mr. Green did not draw any connection between Mr. Cohn's writing the check and the reimbursement of any contributor. He did not state how Mr. Rosenthal disposed of the $500. Indeed, he does not even state whether Mr. Rosenthal had been successful in procuring contributions from the State of Maine. (In a meeting with OGC staff on January 18, 1979, however, Mr. Green stated that Mr. Cohn intended that $500 check he used to reimburse two contributors.)

Shapp Committee records, which had been subpoenaed by the Commission in the course of our earlier investigations in MUR 256, reflect that Mr. Cohn was the fundraiser credited with "bringing in" four contributions from the State of Maine. (In addition, Mr. Cohn is credited with "bringing in" two contributions each from North Carolina and Delaware.) (Information contained in the depositions of various Shapp Committee officers and employees indicate that Mr. Cohn was neither a fulltime nor even a salaried fundraiser. Rather, it appears that he was one of many individuals who, at a fundraising meeting held at the Pennsylvania Governor's mansion on January 7, 1976, pledged to solicit contributions from "contacts" in several "target" states. (See deposition of N. Reece, pp 91-92; deposition of P. Brill, pp. 50-51.))

We recognize that the facts of this matter are not well developed at this point. However, we do believe that the information on hand is sufficient to support a finding of reason to believe that Mr. Cohn made a contribution in the name of another, in violation of 2 U.S.C. § 441f.

We believe that a more detailed statement from Mr. Cohn will be necessary before this matter is resolved. In this regard, Mr. Green has advised us that his client would be willing to provide us with such a statement.

RECOMMENDATION

1. Find reason to believe that Abraham D. Cohn violated 2 U.S.C. §441f.

2. Authorize the sending of the attached letter, with questions, to Mr. Cohn through his attorney.

Attachments:
1. Letter from T. Green, dated December 26, 1978
2. Draft letter, with questions, to A. Cohn, through Attorney Green

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-5 (76)
Gus Nicholas	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 14, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that violations of 2 U.S.C. Section 441f/18 U.S.C. Section 614 had been committed by the respondent in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler and Thomson. Commissioner Aikens abstained from voting. Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-5 (76)
	)	
Gus Nicholas	)	

GENERAL COUNSEL'S REPORT

I. Summary of Allegations

The Commission made a reason to believe finding that Gus Nicholas may have violated 2 U.S.C. §441f (18 U.S.C. §614), in that he made contributions in the name of another. During this course of its investigation, the staff has taken the depositions of Gus Nicholas, William Beadling and Elmer Myers. However, since the depositions of Beadling and Myers have not yet been received the following summary is referenced to the signed statements of Beadling and Myers which they affirmed on deposition.

II. Evidence

Colonel William H. Beadling related in a signed statement that he was approached by Gus Micholos, a part-time neighbor who is a permanent resident of Pittsburgh, and asked to contribute $250 to the Shapp campaign. Nicholos who approached him around the 13th of January, 1976, told Beadling that he was called by a business acquaintance (of Nicholos) about getting $1,000 in contributions. Nicholos further stated that he would reimburse Beadling

in the amount of $250 for his contribution. Beadling gave Nicholos a check dated January 13, 1976 and within a few days Nicholos gave Beadling $250 in cash. (Signed statement of Beadling, Investigator's file on North Carolina, no. 9; check in deposit no. 840.) Beadling further told the investigators that Nicholos told him that he (Nicholos) was under pressure from persons in Pennsylvania to get $1,000 in contributions from North Carolina and that he needed the names more than the money. Nicholos further stated that he had to deliver the checks to a representative from Pennsylvania in Norfolk, Virginia (interview votes of Veno/Donaldson, Investigators' file on North Carolina, no. 8.)

Elmer Myers, spouse of Betty Myers, related in a signed statement that Gus Nicholos phoned him on January 13, 1976, requested him to make a donation of $250 to the Shapp Campaign, and indicated that Myers would be reimbursed. (Signed statement of Elmer Myers, Investigators' File on North Carolina, No. 8.) Myers gave Nicholos a check in the amount of $250 payable to the order of Shapp for President. The check was on his wife's account and Myers signed his wife's name. (Investigator's notes, No. 8 check in deposit no. 840.) Several days after giving the check to Nicholos, Beadling was reimbursed the full $250

by Nicholos. (Signed statement of Elmer Myers, Investigator's file, no. 8.)

Gus Nicholos testified on deposition that he asked Colonel Beadling and Myers for checks of $250 each payable to the Shapp Committee, and told them that he would reimburse them for the check. Nicholos did give $250 cash to compensate was Nicholos'. (Deposition of G. Nicholos, pp. 12-14; 21-22.) Nicholos further testified that it was his idea to solicit contributions from persons in North Carolina and that he did not talk with anyone associated with the Shapp Committee about soliciting contributions in North Carolina. (Deposition of G. Nicholos, pp. 6-7, 10.) Nicholos also testified that he mailed the checks of Beadling and Myers to the Shapp Committee, either from North Carolina or Pittsburg, and that he did not deliver the checks to anyone in Norfolk, Virginia. (Deposition of G. Nicholos, pp. 18-20.)

Gus Nicholos also testified that he spoke to Loarine Midgett, Perochos Kiousis, and Alex Alexapoulos about making contributions to the Shapp for President Committee. (Deposition of G. Nicholos, pp. 11-12.) Nicholos stated that he did not reimburse any of these individuals for their contributions, (Deposition of G. Nicholos, p. 15) and that these individuals did not give him their checks. Deposition of G. Nicholos, pp. 15, 16 and 17.) (Interview with Midget, Kiousis and Alexapoulos are in accord

with Nicholos testimony, Investigators' file on North Carolina, no. 8.)

The checks from Betty Myers, Loraine Midgett, and Colonel Beadling are in deposit no 840; the checks for Alex Alexapoulos, Kiki Kiousis, and Perochos Kiousis are in deposit no. 841. The back-up documents to these deposits contain a copy of a typewritten list of the names of these individuals. Sandy Stouffer testified that the checks from these six individuals were delivered to the committee by courier from the office of Sam Belgler, and that the list of names contained in the deposit documents accompanied the delivery. (Deposition of S. Stouffer, pp. 24-25.) Sam Belgler is listed as the fundraiser responsible for obtaining these contributions on the contributor cards. (Contributor cards filed alphabetically by name of contributor.) It appears that Sam Begler pledged at the dinner of January 7, 1976, to raise $1,500 in contributions in the State of North Carolina. (Listing of pledges dated January 13th contained in folder on January 7, 1976 dinner.)

III. Analysis

2 U.S.C. §441f, and its predecessor 18 U.S.C. §614, prohibits a person from making a contribution in the name of another. In our opinion, the person who provides the funds is the person making the contribution.

Although Nicholas has testified that it was his idea to solicit the contributions from his friends in North Carolina and that he mailed the contributions to the Shapp for President Committee, Sandy Stouffer's testimony would appear to refute this testimony. However, this particular point is not central to the question of whether Nicholas made a contribution in the name of another. Sam Begler is under subpoena to appear for deposition next week.

IV. Recommendation

We recommend a reasonable cause to believe finding that Gus Nicholas violated 2 U.S.C. §441f (18 U.S.C. §614). We have attached a proposed letter to Mr. Nicholas notifying him of the Commission's determination. We have not attached a proposed conciliation agreement because we think any factual statement must await in light of Nicholas' testimony the testimony of Sam Begler. We would, however, enter into conciliation discussions prior to this time should Mr. Nicholas desire. We would recommend that Mr. Nicholas' violation be treated in a civil manner and a fine of $1,000, twice the amount of the contributions, is recommended.

William C. Oldaker
General Counsel

DATED: 4/13/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Gus Nicholas	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Gus Nicholas, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Nicholas having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Gus Nicholas and the subject matter of this proceeding.

II. That respondent Nicholas has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Nicholas resides in Pittsburgh and is a part-time resident of Kill Devil Hills, North Carolina.

B. Around January 13, 1976, respondent Nicholas asked William Beadling, a resident of North Carolina, to write a check in the amount of $250 to the Shapp for President Committee. Nicholas provided Beadling with $250 of his personnel funds to cover the check.

C. Around January 13, 1976, respondent Nicholas asked Elmer Myers, a resident of North Carolina, to write a check in the amount of $250 to the Shapp for President Committee. Nicholas provided Beadling with $250 of his personnel funds to cover the check.

Wherefore, respondent Nicholas agrees:

I. Respondent Nicholas' actions in providing funds to Mr. Beadling and Mr. Myers to make contributions in their names constituted the making of a contribution in the name of another within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent, Nicholas' actions in making the contributions in the name of others is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondent Nicholas agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Nicholas agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

V. Respondent Nicholas will pay a civil penalty in the amount of $500. pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Nicholas shall have days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Gus W. Nicholas

DATE: 5/11/77

William C. Oldaker
General Counsel
FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256 (76)
Elmer F. Myers)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 17, 1978, the Commission adopted by a vote of 4-0 the recommendation to approve the conciliation agreement attached to the memorandum from the General Counsel dated May 15, 1978 regarding the above-captioned matter.

Commissioner Aikens abstained on this matter.

Commissioner Thomson was not present at the time of the vote.

Date: 5/17/78

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

NCO -
Please sign concil. agt.
Thanks
E

Received in the Office of Commission Secretary: 5-15-78, 12:00
Circulated on 48 hour vote basis: 5-15-78, 3:30

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 15, 1978

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker, General Counsel

SUBJECT: MUR 256: Elmer F. Myers - Signed Conciliation Agreement

On May 8, 1978, the Commission received the attached signed conciliation agreement and civil penalty payment of $125 from Elmer F. Myers, a respondent in the Shapp matter from North Carolina.

We recommend the Commission approve the conciliation agreement.

WM. C. OLDAKER
GL COUNSEL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 22, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Elmer F. Myers
P.O. Box 685
Kill Devil Hills, N.C. 27948

Re: MUR 256(76)

Dear Mr. Myers:

On May 17, 1978, the Commission voted to accept the conciliation agreement which you signed and dated May 2, 1978.

Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

If you have any questions, please do not hesitate to contact Susan Seyfarth (202) 523-4175, the staff member assigned to this matter.

Sincerely,

William C. Oldaker
General Counsel

SCC 3484

RECEIVED FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256 1978 MAY 8 PM 1:27
Elmer F. Myers)

CONCILIATION AGREEMENT

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This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found Reasonable Cause to Believe that respondent Myers violated 2 U.S.C. §441f/ 18 U.S.C. §614.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Myers, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Myers and the subject matter of this proceeding.

II. That respondent Myers has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent resides in Kill Devil Hills, North Carolina.

B. On or around January 13, 1976, Myers received a phone call from Gus Nicholas, a neighbor, who asked Myers to make a contribution to the Shapp for President Committee in the amount of $250. Nicholas told Myers that he would provide the funds for the contribution.

C. Later that day, Myers gave Nicholas a check in the amount of $250 made out to the Shapp Committee drawn on a joint account with his wife, Betty Myers. Nicholas gave Myers $250 in cash.

WHEREFORE, Respondent Myers agrees:

IV. Respondent Myers' actions in writing a check to the Shapp Committee and accepting funds from Nicholas to cover the check constituted knowing permission to use his name to effect a contribution made by another person within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Myers'

action is in violation of 2 U.S.C. §441f/ 18 U.S.C. §614.

V. Respondent Myers agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

VI. Respondent Myers will pay a civil penalty in the amount of $125 pursuant to 2 U.S.C. §437g(a)(6)(B).

VII. Respondent Myers agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matters at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute civil action for relief in the United States District Court for the District of Columbia.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that respondent Myers shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement and to so notify the Commission.

May 2, 1978
Date

Elmer F. Myers
Elmer F. Myers
P.O. Box 685
Kill Devil Hills, N.C.

5/22/78
Date

William C. Oldaker
William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
202-523-4143

1577

BETTY J. MYERS
BOX 685
KILL DEVIL HILLS, N.C. 27948

May 2 1978

66-390
531

PAY TO THE ORDER OF N.C. Treasury $ 125.00

One hundred twenty-five and no/100 DOLLARS

THE PLANTERS NATIONAL BANK
& TRUST COMPANY
MANTEO, N. C. 27954

MEMO Elmer F. Myers

Betty J. Myers

⑆0531⑈0390⑆ 307⑈425⑈0⑈ 1577

DATE AND TIME OF TRANSMITTAL: _____ NO. 256-5

REC'D: _____

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Internally Generated

Respondent's Name: William Beadling & Elmer Myers

Relevant Statute: 2 U.S.C. 441f/ 18 U.S.C. 614

Internal Reports Checked: Submissions of Shapp for President

Federal Agencies Checked: none

SUMMARY OF ALLEGATION

Beadling and Myers have given signed statements and testified in depositions that Gus Nicholas asked them to make contributions in the amount of $250 to the Shapp for President Committee. Nicholas reimbursed Beadling & Myers in the amount of $250 for their contributions.

PRELIMINARY LEGAL ANALYSIS

2 U.S.C. 441f(18 U.S.C. 614) prohibits a person from knowingly permitting a person to allow his name to be used to effect a contribution in the name of another. It is our opinion that the person supplying the funds is the person making the contribution.

RECOMMENDATION

1) We recommend a finding of reason to believe that Beadling & Myers violated 2 U.S.C. 441f(18 U.S.C. 614); 2) we recommend that the attached

RECOMMENDATION Continued

letter be sent to the respondents. As you will note, the attached letter states that a copy of a voluntary conciliation agreement is attached and that the agreement recommends a fine of $250, the amount of the contribution. It is our opinion that the Commission may enter into voluntary conciliation discussions prior to a reasonable cause to believe finding. However, such a finding must be made prior to the acceptance of the voluntary conciliation agreement.

The $250 fine is based on the amount of the contribution made in their names to the Shapp for President Committee. Although we would consider this a reasonable fine, the Commission may wish to consider a lower fine, perhaps of $125, since both of the respondents are retired. Mr Nicholas testified that one of the reasons he provided the funds for their contributions was that they had limited incomes and that he felt they could not afford a $250 contribution. (d. of G. Nicholas, p. 15)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256-1 (76)
Gus Nicholas)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the Conciliation Agreement submitted by the FEC Office of the General Counsel in the above-captioned matter, including a civil penalty in the amount of $500.00.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
William Beadling)
Elmer Myers)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 13, 1978, at an Executive Session of the Federal Election Commission at which a quorum was present, the Commission determined by a vote of 4-0 to adopt the recommendation of the General Counsel in the above-captioned matter to find there is Reasonable Cause to Believe that Beadling and Myers violated 2 U.S.C. Section 441f/18 U.S.C. Section 614 and approve the proposed conciliation agreements and letters attached to the General Counsel's Report signed March 29, 1978.

Voting for this determination were Commissioners Harris, Springer, Staebler, and Tiernan. Commissioner Thomson was not present at the time of the vote; Commissioner Aikens recused herself in this matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Date: April 14, 1978

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 5, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Colonel William H. Beadling
Colington Harbour
Kill Devil Hills, N.C. 27948

Re: MUR 256(76)

Dear Colonel Beadling:

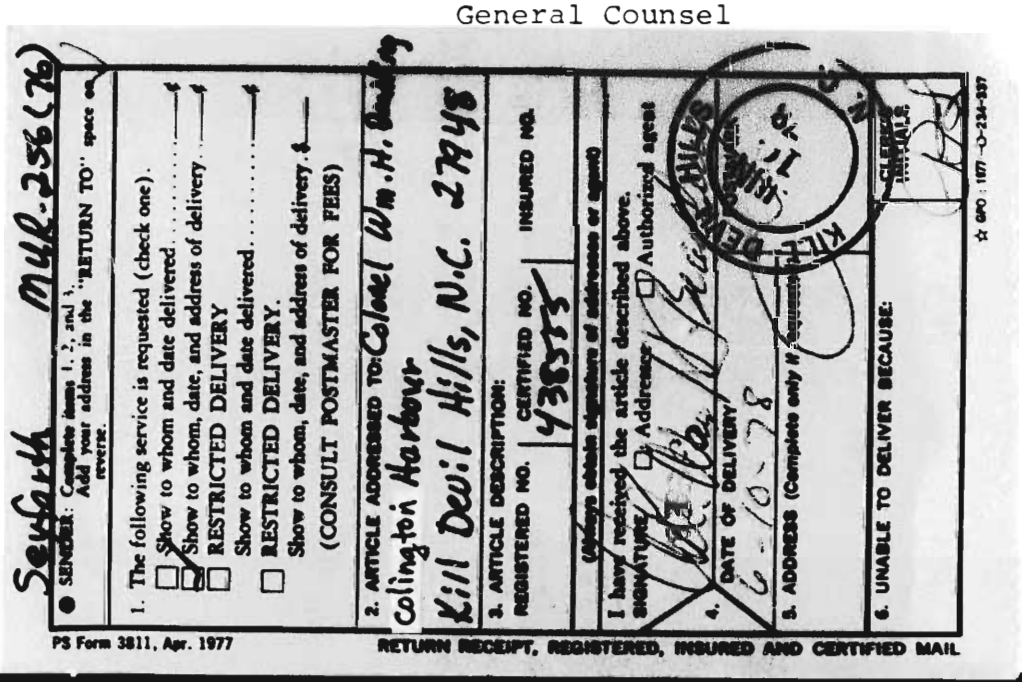
On May 31, 1978, the Commission voted to accept the conciliation agreement which you signed and dated May 18, 1978.

Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

If you have any questions, please do not hesitate to contact Susan Seyfarth (202) 523-4175.

Sincerely,

William C. Oldaker
General Counsel


Seyfarth MUR-256(76)
SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.
1. The following service is requested (check one).
Show to whom and date delivered
Show to whom, date, and address of delivery
RESTRICTED DELIVERY
Show to whom and date delivered
RESTRICTED DELIVERY
Show to whom, date, and address of delivery $
(CONSULT POSTMASTER FOR FEES)
2. ARTICLE ADDRESSED TO: Colonel Wm. H. Beadling
Colington Harbour
Kill Devil Hills, N.C. 27948
3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. 438535 INSURED NO.
(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE Authorized agent
Addressee
4. DATE OF DELIVERY 6-10-78
5. ADDRESS (Complete only if requested)
6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS
PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL
☆ GPO : 1977 —O—234-337

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256
William H. Beadling	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 31, 1978, the Commission adopted by a vote of 5-0 the recommendation in the memorandum from the General Counsel, dated May 26, 1978, to approve the conciliation agreement in the above-captioned matter.

Commissioner Aikens abstained in this matter.

Date: 5/31/78

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 5-26-78
Circulated on 48 hour vote basis: 5-30-78, 1:30

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION

In the Matter of)
) MUR 256(76)
William H. Beadling)

'78 MAY 22 PM 3:36

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found Reasonable Cause to Believe that respondent Beadling violated 2 U.S.C. §441f/ 18 U.S.C. §614.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Beadling, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), hereby agree as follows:

802956

I. That the Federal Election Commission has jurisdiction over respondent Beadling and the subject matter of this proceeding.

II. That respondent Beadling has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent resides in Kill Devil Hills, North Carolina.

B. On or around January 13, 1976, Gus Nicholas, a neighbor, asked Beadling to make a contribution to the Shapp for President Committee in the amount of $250. Nicholas told Beadling that he would provide the funds for the contribution.

C. Beadling gave Nicholas a check in the amount of $250 made out to the Shapp Committee. Nicholas gave Beadling $250 in cash.

WHEREFORE, Respondent Beadling agrees:

IV. Respondent Beadling's actions in writing a check to the Shapp Committee and accepting funds from Nicholas to cover the check constituted knowing permission to use his name to effect a contribution made by another person within the meaning of 2 U.S.C. §441f/ 18 U.S.C. §614. As such, respondent Beadling's action is in violation of 2 U.S.C. §441f/ 18 U.S.C. §614.

V. Respondent Beadling agrees that he will voluntarily testify before any Commission proceeding or any other proceeding in which the matters at issue herein are relevant.

VI. Respondent Beadling will pay a civil penalty in the amount of $125 pursuant to 2 U.S.C. §437g(a)(6)(B).

VII. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter 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 civil action for relief in the United States District Court for the District of Columbia.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that respondent Beadling shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement and to so notify the Commission.

18 May 1978
Date

William H. Beadling
William H. Beadling
Colington Harbour
Kill Devil Hills, N.C.

6/6/78
Date

William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
202-523-4143

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 26, 1978

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker
General Counsel

SUBJECT: MUR 256: William Beadling - Signed Conciliation Agreement

On May 22, 1978, the Commission received the attached signed conciliation agreement and civil penalty payment of $125 from William Beadling, a respondent in the Shapp matter from North Carolina.

We recommend the Commission approve the conciliation agreement.

30 1 1 0 2 2 4 2 3 0

Lyfarth

BEFORE THE FEDERAL ELECTION COMMISSION

FILED
FEDERAL ELECTION
COMMISSION

In the Matter of)
) MUR 256(76)
William H. Beadling)

'78 MAY 22 PM 3:36

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found Reasonable Cause to Believe that respondent Beadling violated 2 U.S.C. §441f/ 18 U.S.C. §614.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Beadling, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), hereby agree as follows:

002956

I. That the Federal Election Commission has jurisdiction over respondent Beadling and the subject matter of this proceeding.

II. That respondent Beadling has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent resides in Kill Devil Hills, North Carolina.

B. On or around January 13, 1976, Gus Nicholas, a neighbor, asked Beadling to make a contribution to the Shapp for President Committee in the amount of $250. Nicholas told Beadling that he would provide the funds for the contribution.

C. Beadling gave Nicholas a check in the amount of $250 made out to the Shapp Committee. Nicholas gave Beadling $250 in cash.

WHEREFORE, Respondent Beadling agrees:

IV. Respondent Beadling's actions in writing a check to the Shapp Committee and accepting funds from Nicholas to cover the check constituted knowing permission to use his name to effect a contribution made by another person within the meaning of 2 U.S.C. §441f/ 18 U.S.C. §614. As such, respondent Beadling's action is in violation of 2 U.S.C. §441f/ 18 U.S.C. §614.

V. Respondent Beadling agrees that he will voluntarily testify before any Commission proceeding or any other proceeding in which the matters at issue herein are relevant.

VI. Respondent Beadling will pay a civil penalty in the amount of $125 pursuant to 2 U.S.C. §437g(a)(6)(B).

VII. Respondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter 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 civil action for relief in the United States District Court for the District of Columbia.

IX. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. It is agreed that respondent Beadling shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement and to so notify the Commission.

18 May 1978
Date

William H. Beadling
William H. Beadling
Colington Harbour
Kill Devil Hills, N.C.

Date

William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463
202-523-4143

COL. WILLIAM H. BEADLING
GLADYS B. BEADLING
COLINGTON HARBOR
ROUTE 1, BOX 858
KILL DEVIL HILLS, N.C. 27948

1195

18 May 1978

66-390
531

PAY TO THE ORDER OF Federal Election Commission $125 00/100

One Hundred & Twenty Five ——— 00/100 DOLLARS

PNB THE PLANTERS NATIONAL BANK & TRUST COMPANY
MANTEO, N. C. 27954

Col. William H Beadling

⑈001195⑈ ⑆0531⑈0390⑆ 002⑈259⑈4⑈

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 18, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Col. William H. Beadling
Colington Harbour
Kill Devil Hills, N.C. 27948

Re: MUR 256 (76)

Dear Col. Beadling:

On April 13, 1978, the Commission found Reasonable Cause to Believe that you violated 2 U.S.C. §441f/ 18 U.S.C. §614, by permitting Gus Nicholas to use your name in effecting a contribution to the Shapp for President Committee.

Our records indicate that on April 26, 1977, you received our notification that the Commission had Reason to Believe you violated the Act, and proposed conciliation agreement. However, we have not received your response.

The Commission has a duty to correct such violations for a period of thirty (30) days by informal methods of conference, conciliation and persuasion and to enter into a conciliation agreement pursuant to 2 U.S.C. §437g (a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of Probable Cause to Believe a violation has occurred, institute civil suit pursuant to 2 U.S.C. §437g(a)(5)(B).

If you decide to comply with the terms of the enclosed agreement, please sign and return it to the Commission within thirty (30) days. Please note the conciliation agreement includes a civil penalty of $125.

If you have any questions, please do not hesitate to contact Susan Seyfarth (202) 523-4175, the staff member now assigned to this matter. Ms. Seyfarth will be in contact with you shortly to determine your views on the agreement.

Sincerely,

William C. Oldaker
General Counsel

Charles N. Steele
Assistant General Counsel

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-1 (76)
Evelyn (Thomas) Carey	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Evelyn (Thomas) Carey	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Evelyn Carey, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Carey having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Evelyn ~~Harris~~ Carey and the subject matter of this proceeding.

II. That respondent Carey has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Carey is a resident of El Paso, Texas, and is employed by the Penn Mutual Life Insurance Company in that city. (The respondent was known as Evelyn Thomas until April 14, 1976, when she married.)

B. In early January, 1976, Charles D. Luciano asked the respondent if she would make a $100 contribution to the Shapp for President Committee. When the respondent told Luciano that she could not afford to do so, Luciano asked her if it would be alright if he gave the money in her name. The respondent told Luciano that it would be alright.

C. At that time or shortly thereafter, Charles D. Luciano asked the respondent to write a note "to accompany the money." In a handwritten note, dated January 12, 1976, the respondent wrote to the Shapp for President Committee as follows: "Please accept my $100 donation for 'Shapp for President.' Enclosed is a cashier's check for his campaign."

D. On an undetermined subsequent date, the respondent received from the Shapp Committee a receipt, dated January 19, 1976, stating that $100 had been received from the respondent.

E. The respondent did not and has not contributed any of her personal funds to the Shapp for President Committee.

Wherefore, respondent Cary agrees:

I. Respondent Carey did not intend to contribute $100 of her personal funds to the Shapp for President Committee, and ~~wrote her personal check~~ sent a money order to the Committee in that amount only at the suggestion of Charles D. Luciano, and upon his assurance that he would reimburse the respondent the full amount of the ~~check~~ money order. The respondent's actions thus constituted knowing permission for Charles D. Luciano to effect a contribution to the Shapp Committee in the respondent's name, within the meaning and in violation of 2 U.S.C. §441f, and its predecessor, 18 U.S.C. §614.

II. Respondent Carey agrees that she will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Carey agrees that she will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Carey will pay a civil penalty in the amount of fifty (50) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Carey shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

EXECUTED this 6 day of May, 1977.

Evelyn Thomas Carey
EVELYN (THOMAS) CAREY

DATE: 5/11/77

William C. Oldaker
WILLIAM C. OLDAKER
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Evelyn Thomas)

MUR 256-3 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson, and Tiernan; Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-3 (76)
	)	
Evelyn Thomas	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Penn Mutual Life Insurance Company of El Paso, Texas.

In a deposition dated December 20, 1976, the respondent testified that, in December, 1975, Charles D. Luciano, Penn Mutual's Assistant General Agent in El Paso, asked her if he could make a contribution to the Shapp for President Committee in her name. She consented, and sometime thereafter was shown a receipt for a bank money order for $100 payable to the Shapp Committee, with her name appearing thereon as purchaser. Subsequently, the respondent received a thank you letter from the Committee.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f,

and its predecessor 18 U.S.C. §614, in that she knowingly permitted her name to be used to effect a contribution made by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/4/77

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BEFORE THE FEDERAL ELECTION COMMISSION
March 28, 1978

In the Matter of	)	
	)	MUR 256 (76)
Thomas A. Sullivan, Jr.	)	

INTERIM STATUS REPORT

On April 21, 1977, the Commission found Reason to Believe and on May 5, 1977, Reasonable Cause to Believe that the respondent, an employee of the Penn Mutual Life Insurance Company of El Paso, Texas, violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that he knowingly permitted Charles D. Luciano to use his name in effecting a contribution to the Shapp for President Committee. The details of this matter are set forth in the General Counsel's Report of May 4, 1977.

At that time, the General Counsel's staff had attempted to locate Sullivan without success, thus, no Reason to Believe or Reasonable Cause to Believe notifications could be sent to him.

We have recently reinstituted our attempts to locate Sullivan, again without success. These attempts included a check with the United States Attorney's office in Harrisburg, Pennsylvania and the F.B.I., which have also been unsuccessful in locating Sullivan. We will continue to make periodic attempts to locate him.

3/24/78
Date

William C. Oldaker
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-3 (76)
Thomas A. Sullivan, Jr.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-3 (76)
	)	
Thomas A. Sullivan, Jr.	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Penn Mutual Life Insurance Company of El Paso, Texas.

In a statement given to Federal Election Commission investigators, the respondent said that Charles D. Luciano, the Assistant General Agent for Penn Mutual in El Paso, had asked him to write a check for $100 to the Shapp Committee and had told him that he (Luciano) would repay him the amount of the check. Respondent wrote the check and was given $100 by Luciano.

In a deposition dated December 21, 1976, Luciano corroborated the respondent's testimony and admitted forwarding the check to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f,

and its predecessor 18 U.S.C. §614, in that he knowingly permitted his name to be used to effect a contribution made by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James W. Shepard)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
James W. Shepard	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, James W. Shepard, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Shepard having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent James W. Shepard and the subject matter of this proceeding.

II. That respondent Shepard has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

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A. Respondent Sehpard resides in El Paso, Texas, and is a life insurance salesman for the Penn Mutual Life Insurance Company there.

B. On or about December 23, 1975, Charles D. Luciano asked the respondent to write a personal check for $250 to the Shapp for President Committee. Luciano told the respondent that he would give ~~her~~ him the money to put into ~~her~~ his checking account to cover the amount of the check.

C. The respondent wrote a check for $250 on his personal account. It was dated December 23, 1975, and was made payable to the Shapp for President Committee. ~~On an undetermined subsequent date, the respondent received by mail a receipt from the Shapp Committee indicating that it had received $250 from the respondent.~~ Either at the time he wrote the check, or shortly thereafter, the respondent was given $250 by Charles D. Luciano.

Wherefore, respondent Shepard agrees:

I. Respondent Shepard did not intend to contribute $250 of his personal funds to the Shapp for President Committee, and wrote his personal check to the Committee in that amount only at the suggestion of Charles D. Luciano, and upon his assurance that he would reimburse the respondent the full amount of the check. The respondent's actions thus constituted knowing permission

for Charles D. Luciano to effect a contribution to the Shapp Committee in the respondent's name, within the meaning and in violation of 2 U.S.C. §441f, and its predecessor, 18 U.S.C. §614.

II. Respondent Shepard agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Shepard agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Shepard will pay a civil penalty in the amount of two hundred fifty (250) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Shepard shall have thirty days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

EXECUTED this 11 day of May, 1977.

JAMES W. SHEPARD

DATE: 5/11/77

WILLIAM C. OLDAKER
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James W. Shepard)

MUR 256-3 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-3 (76)
	)	
James W. Shepard	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Penn Mutual Life Insurance Company of El Paso, Texas.

In a deposition dated December 20, 1976, James W. Shepard an employee of Penn Mutual testified that Penn Mutual's Assistant General Agent for El Paso, Charles D. Luciano, asked him to write a check for $250 to the Shapp for President Committee. Luciano told the respondent that he would be reimbursed the amount of the check.

The respondent wrote the check as requested, gave it to Luciano, and was reimbursed the amount of the check by Luciano. The check was dated December 23, 1975.

In a deposition dated December 21, 1976, Luciano corroborated the respondent's testimony and admitted forwarding the check to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614, in that he knowingly permitted his name to be used to effect a contribution made by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Don Luciano)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Don Luciano	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Don Luciano, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Don Luciano having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Don Luciano and the subject matter of this proceeding.

II. That respondent Don Luciano has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Don Luciano resides in El Paso, Texas, and is employed by the Penn Mutual Life Insurance Company in that city.

B. In December, 1975, Charles D. Luciano asked the respondent Don Luciano to write a personal check for $250 to the Shapp for President Committee. Charles D. Luciano told the respondent Don Luciano that he (Charles) would give respondent the money to cover the amount of the check.

C. The respondent Don Luciano wrote a check for $250 on his personal account. The check was dated December 26, 1975, and was made payable to Shapp for President. On an undetermined subsequent date, respondent Don Luciano recieved a receipt which indicated that the Shapp for President Committee had received $250 from him. Either at the time he wrote the check, or shortly thereafter, the respondent Don Luciano was given $250 by Charles D. Luciano.

Wherefore, respondent Don Luciano agrees:

I. Respondent Don Luciano did not intend to contribute $250 of his personal funds to the Shapp for President Committee, and wrote his personal check to the Committee in that amount only at the suggestion of Charles D. Luciano, and upon his assurance that he would reimburse the respondent the full amount of the check. The respondent's actions thus constituted knowing permission for Charles D. Luciano to effect a contribution to the

Shapp Committee in the respondent's name, within the meaning and in violation of 2 U.S.C. §441f, and its predecessor, 18 U.S.C. §614.

II. Respondent Don Luciano agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Don Luciano agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Don Luciano will pay a civil penalty in the amount of two hundred fifty (250) dollars pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Don Luciano shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

EXECUTED this 6 day of May, 1977.

DON LUCIANO

DATE: 5/11/77

WILLIAM C. OLDAKER
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Don Luciano)

MUR 256-3 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-3 (76)
	)	
Don Luciano	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Penn Mutual Life Insurance Company of El Paso, Texas.

In a deposition dated December 21, 1976, Charles D. Luciano testified that he had asked the respondent to write a check for $250 to the Shapp Committee and had told him that he would repay the respondent the amount of the check.

The respondent wrote his check to the Shapp Committee, dated December 26, 1975, and was reimbursed $250 by Charles D. Luciano.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614, in that he knowingly permitted his name to be used to effect a contribution made by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/4/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256 (76)
Charles D. Luciano	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that Respondent, Charles D. Luciano, violated 2 U.S.C. §441f and 2 U.S.C. §441a.

Now, therefore, the respective parties herein, the Federal Election Commission and Respondent, Charles D. Luciano, having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over Respondent, Charles D. Luciano, and the subject matter of this proceeding.

II. That Respondent, Charles D. Luciano, has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Luciano resides at 112 Northwind, El Paso, Texas, and is employed by Penn Mutual Life Insurance Company.

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B. Respondent Luciano was contacted in December 1975 by Eleanor Elias, who told him that she was working for the Shapp for President Committee and asked him to help raise some money from residents of the State of Texas.

C. At some time during conversations with Eleanor Elias, Mrs. Elias told Respondent, Charles D. Luciano, that it was all right for Respondent to give people money to contribute to Shapp in their name.

D. On or about December 26, 1975, Respondent Luciano wrote a personal check for $250 and had his wife do likewise. He gave his adult son, Don Luciano, $250 to make a contribution to the Shapp for President Committee.

E. On or around December 26, 1975, Luciano asked James Shepard to write a check for $250 to the Shapp Committee, and Respondent Luciano gave Shepard $250 to cover the check.

F. On or around December 29, 1975, Respondent Luciano asked Glenda Harris to write a personal check for $100 to the Shapp for President Committee. Respondent Luciano gave Harris $100 to cover the check.

G. On or around January 2, 1976, Respondent Luciano asked Thomas A. Sullivan to write a personal check to the Shapp for President Committee in the amount of $100, and Respondent Luciano gave Sullivan $100 to cover the check.

H. On or around January 9, 1976, Respondent Luciano asked David Grimes if he (Luciano) could donate some money to the Shapp for President Committee in Grimes' name. Respondent Luciano purchased a bank money order payable to the Shapp for President Committee for $100 in the name of David Grimes. A short time later, Respondent Luciano asked Grimes to sign a letter stating that Grimes was contributing $100 to the Shapp for President Committee.

I. On or around January 9, 1976, Respondent Luciano gave Fred Fraser a receipt for a cashier's check payable to the Shapp for President Committee in the amount of $150 and stated to Fraser that he (Luciano) had made a contribution to the Shapp for President Committee in that amount in Fraser's name. A week or so later, Respondent Luciano asked Fraser to sign a letter to the Shapp for President Committee stating that Fraser had made a $150 contribution to the Shapp for President Committee.

J. On or around January 9, 1976, a cashier's check was purchased in the name of Dianne E. Gass payable to the Shapp for President Committee in the amount of $250. Respondent Luciano provided $250 for the purchase of the aforementioned cashier's check. Respondent Luciano asked Gass to sign a note stating that she was making a contribution of $250 to the Shapp for President Committee.

K. On or around January 9, 1976, Respondent Luciano purchased a bank money order in the name of Evelyn Thomas payable to the Shapp for President Committee in the amount of $100. Respondent Luciano provided the funds for this money order. At that time or shortly thereafter, Respondent Luciano asked Thomas to write a note to the Shapp for President Committee stating that she was making a contribution in the amount of $100.

L. On or around January 9, 1976, Respondent Luciano asked John Munoz to make a contribution to the Shapp for President Committee. Munoz gave Luciano $100 of his personal funds to make a contribution. On or around January 15, 1976, Respondent Luciano sent a note to the Shapp for President Committee stating that a $100 contribution was being made by John Munoz and Respondent Luciano signed John Munoz's name.

M. On or around January 15, 1976, Eleanor Elias asked Respondent Luciano to have someone send a letter to the Shapp for President Committee stating that they were making a $20 contribution. Elias stated that it was not necessary to send any cash to accompany the letter. Respondent Luciano asked Glenda Harris to write a letter to the Shapp for President Committee stating that she was making a $20 contribution to the Shapp for President Committee. Respondent Luciano did not provide any funds to accompany this letter.

Wherefore, Respondent Luciano agrees:

I. Respondent Luciano's actions in providing funds for the contributions in the names of James Shepard, Don Luciano, Glenda Harris, Thomas Sullivan, Fred Fraser, Dianne Gass, David Grimes and Evelyn Thomas constituted the making of a contribution in the name of another within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, Respondent's action in providing the funds for the contributions in the names of such individuals is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondent Luciano's total contributions to the Shapp for President Committee, including the contributions made in the name of another and his personal contribution, amount to $1,550, which violates the applicable contribution limits in 2 U.S.C. §441a and its predecessor 18 U.S.C. §608(b).

III. Respondent Luciano will pay a civil penalty in the amount of four thousand dollars ($4,000) pursuant to 2 U.S.C. §437g(a)(6)(B).

IV. Respondent Luciano agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

V. Respondent Luciano agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS:

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that Respondent, Charles D. Luciano, shall have thirty (30) days from the date this agreement becomes effective to comply with and to implement the requirements contained in this agreement and to so notify the Commission.

Date: 6/3/77

For the Respondent

Date: 6/10/77

William C. Oldaker
General Counsel
Federal Election Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Glenda L. Harris)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Glenda L. Harris	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Glenda L. Harris, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Harris having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Glenda L. Harris and the subject matter of this proceeding.

II. That respondent Harris has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Harris resides in El Paso, Texas, and is employed as the secretary to Charles D. Luciano, the Assistant General Agent for the Penn Mutual Life Insurance Company in El Paso.

B. On or about December 29, 1975, Charles D. Luciano asked the respondent to write a personal check for $100 to the Shapp for President Committee. Luciano told the respondent that he would give her the money to put into her checking account to cover the amount of the check.

C. The respondent wrote a check for $100 on her personal account. It was dated December 29, 1975, and was made payable to the Shapp for President Committee. On an undetermined subsequent date, the respondent received by mail a receipt from the Shapp Committee indicating that it had received $100 from the respondent. Either at the time she wrote the check, or shortly thereafter, the respondent was given $100 by Charles D. Luciano.

D. In early or mid January, 1976, the respondent was asked to write a note which indicated that she was contributing $20 to the Shapp for President Committee. The respondent wrote and signed such a note. The note was forwarded to Shapp Campaign Headquarters. On an undetermined subsequent date, the respondent received by mail a receipt from the Shapp Committee, dated January 19,

1976, evidencing a $20 contribution. The respondent, in fact, provided no personal funds to accompany the note and did not contribute any of her personal funds with regard to the note.

Wherefore, respondent, Glenda L. Harris agrees:

I. Respondent Harris did not intend to contribute $100 of her personal funds to the Shapp for Presiden Committee, and wrote her personal check to the Committee in that amount only at the suggestion of Charles D. Luciano, and upon his assurance that he would reimburse the respondent the full amount of the check. The respondent's actions thus constituted knowing permission for Charles D. Luciano to effect a contribution to the Shapp Committee in the respondent's name, within the meaning and in violation of 2 U.S.C. §441f, and its predecessor, 18 U.S.C. §614.

II. Respondent Harris' actions in writing, and signing a note to the Shapp Committee stating she was making a $20 contribution when she did not provide any of her personal funds constituted knowing permission for the use of her name to effect a contribution made by another within the meaning, and in violation of, 2 U.S.C. §441f, and its predecessor, 18 U.S.C. §614.

III. Respondent Harris agrees that she will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

IV. Respondent Harris agrees that she will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

V. Respondent Harris will pay a civil penalty in the amount of one hundred twenty (120) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Harris shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

EXECUTED this 6th day of May, 1977.

Glenda L. Harris

GLENDA L. HARRIS

WILLIAM C. OLDAKER
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

DATE: 5/11/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Glenda Harris)

MUR 256-3 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan; Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-3 (76)
	)	
Glenda Harris	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Penn Mutual Life Insurance Company of El Paso, Texas.

In a deposition dated December 20, 1976, Glenda Harris, an employee of Penn Mutual testified that Penn Mutual's Assistant General Agent for El Paso, Charles D. Luciano, asked her to write a check for $100 to the Shapp for President Committee. Luciano told the respondent that she would be reimbursed the amount of the check.

The respondent wrote the check as requested, gave it to Luciano, and was reimbursed the amount of the check by Luciano. The check was dated December 29, 1975.

In a deposition dated December 21, 1976, Luciano corroborated the respondent's testimony and admitted forwarding the check to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614, in that she knowingly permitted her name to be used to effect a contribution made by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/4/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
David Grimes)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commisssion determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
David Grimes	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, David Grimes, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Grimes having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent David Grimes and the subject matter of this proceeding.

II. That respondent Grimes has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Grimes resides in El Paso, Texas and is employed by the Penn Mutual Life Insurance Company.

B. On or around January 9, 1976, Charles Luciano asked respondent Grimes if he (Luciano) could donate some money to the Shapp for President Committee in Grimes' name. Grimes agreed to let Luciano use his name to make a contribution to the Shapp for President Committee.

C. A short time later, Luciano asked Grimes to sign a letter stating that Grimes was contributing $100 to the Shapp for President Committee. Grimes signed a letter to that effect. Grimes did not contribute any of his personal funds to the Shapp for President Committee.

Wherefore, respondent Grimes agrees:

I. Respondent Grimes' actions in signing an acknowledgement to the Shapp for President Committee stating that he was making a $100 contribution when he did not provide any of his personal funds constituted knowing permission to use his name to effect a contribution made by another person in his name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Grimes' actions in signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondent Grimes agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

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III. Respondent Grimes agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Grimes will pay a civil penalty in the amount of one hundred (100) dollars pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Grimes shall have thirty days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

EXECUTED this 6 day of May, 1977.

WILLIAM C. OLDAKER
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

DATE: 5/6/77

DAVID GRIMES

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-3
David Grimes	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-3 (76)
	)	
David Grimes	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Penn Mutual Life Insurance Company of El Paso, Texas.

In a deposition dated December 20, 1976, the respondent testified that Charles D. Luciano told him that he (Luciano) was going to donate some money for him to the Shapp Committee if he had no objection. The respondent assented. Sometime later, the respondent received a purchaser's receipt for bank money order. The money order was payable to the Shapp Committee and identified respondent as purchaser.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614, in that he knowingly permitted his name to be used to effect a contribution made by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/4/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dianne E. Gass)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Dianne E. Gass	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Dianne E. Gass, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Gass having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Dianne E. Gass and the subject matter of this proceeding.

II. That respondent Gass has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Gass is a resident of El Paso, Texas, and is employed by the Insurance Center in that city.

B. In late December, 1975, or early January, 1976, Charles D. Luciano asked the respondent to send $250 to the Shapp for President Committee. Charles D. Luciano gave the respondent the $250.

C. On or about January 9, 1976, the respondent purchased from the First State Bank of El Paso, a cashier's check made payable to Shapp for President Committee. At the request of Charles D. Luciano, the respondent also signed a note, addressed "To Whom it May Concern," stating as follows: "I hereby contribute $250 to the Shapp for President Committee."

D. On an undetermined subsequent date, the respondent received a receipt from the Shapp Committee stating that it had received $250 from the respondent.

Wherefore, respondent Gass agrees:

I. Respondent Gass did not intend to contribute $250 of her own funds to the Shapp for President Committee. The respondent purchased the cashier's check payable to the Committee, and wrote the transmittal note to the Committee, at the suggestion of Charles D. Luciano, and upon his providing the respondent with the $250. The respondent's actions thus constitued knowing permission for Charles D.

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Luciano to effect a contribution to the Shapp Committee in the respondent's name, within the meaning and in violation of 2 U.S.C. §441f, and its predecessor, 18 U.S.C. §614.

II. Respondent Gass agrees that she will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Gass agrees that she will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Gass will pay a civil penalty in the amount of two hundred fifty (250) dollars pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Gass shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

EXECUTED this 6th day of May, 1977.

Dianne E. Gass
DIANNE E. GASS

DATE: 5/11/77

William C. Oldaker
WILLIAM C. OLDAKER
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256-3 (76)
Dianne Gass)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-3 (76)
	)	
Dianne Gass	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Penn Mutual Life Insurance Company of El Paso, Texas.

In a deposition dated December 21, 1976, Charles D. Luciano, the Assistant General Agent for Penn Mutual in El Paso, testified that he had given Mrs. Gass the money to purchase a cashier's check in her name, made payable to the Shapp Committee.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614, in that she knowingly permitted her name to be used to effect a contribution made by another person.

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II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 8/4/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Fred Fraser)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the conciliation agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Fred Fraser	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Fred Fraser, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Fraser having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Fred Fraser and the subject matter of this proceeding.

II. That respondent Fraser has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Fraser resides in El Paso, Texas, and is employed by the Penn Mutual Life Insurance Company.

B. On or around January 9, 1976, Charles D. Luciano gave respondent Fraser a receipt for a money order payable to the Shapp for President Committee in the amount of $150 and stated to Fraser that he (Luciano) had made a contribution to the Shapp for President Committee in that amount in Fraser's name. Fraser did not provide any personal funds for the money order.

C. A week or so later, Charles D. Luciano told Fraser that he needed a letter signed by Fraser stating that he had made a contribution to the Shapp for President Committee in the amount of $150. Fraser signed a letter to the Shapp Committee to that effect. Fraser did not provide any personal funds to the Shapp for President Committee.

Wherefore, respondent Fraser agrees:

I. Respondent Fraser's actions in signing an acknowledgement to the Shapp for President Committee stating that he was making a $150 contribution when he did not provide any of his personal funds constituted knowing permission to use his name to effect a contribution made by another person in his name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Fraser's actions in signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondent Fraser agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Fraser agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Fraser will pay a civil penalty in the amount of one hundred fifty (150) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Fraser shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

EXECUTED this 6 day of May, 1977.

Fred Fraser

FRED FRASER

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DATE: 5/11/77

WILLIAM C. OLDAKER
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Fred J. Fraser

MUR 256-3 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-3 (76)
	)	
Fred J. Fraser	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of the Penn Mutual Life Insurance Company of El Paso, Texas.

In a deposition dated December 20, 1976, the respondent testified that in January, 1976, Charles D. Luciano, Penn Mutual's Assistant General Agent in El Paso, handed him a receipt for a cashier's check made payable to the Shapp Committee in the amount of $150 which identified him (the respondent) as purchaser. Luciano told the respondent: "You have made a contribution and here's the receipt." Sometime later, at Luciano's request, the respondent signed a letter which acknowledged that he had made the contribution. The respondent's testimony was corroborated by Luciano.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614, in that he knowingly permitted his name to be used to effect a contribution made by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Isadore Marion)

MUR 256

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 28, 1977, the Commission determined by a vote of 4-0 to find reason to believe that Isadore Marion had committed a violation of 2 U.S.C. Sections 441f and 441g in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; and Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Isadore Marion)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 26, 1977, the Commission determined by a vote of 4-0 to find Reasonable Cause to Believe that Isadore Marion is in violation of 2 U.S.C. Sections 441 (f) and 441 (g).

Voting for this determination were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 24, 1977

In the Matter of	)	MUR 256 (76)
	)	
Isadore Marion	)	

GENERAL COUNSEL'S REPORT

I. Allegations

It is alleged that the respondent, Isadore Marion, purchased two $100 tickets at a cocktail party held for Governor Shapp at the Las Vegas Country Club; one ticket for himself, and one for Vincent Provenzano. The allegation has also been made that Mr. Marion paid $200 in cash for the tickets.

II. Evidence

Shapp Committee documents show two receipts for the November 9, 1975 cocktail party, numbers 161 and 163, made out to Isadore Marion. There is no cocktail party receipt with Vincent Provenzano's name on it. Provenzano signed a letter on January 5, 1976 (two months after the cocktail party) stating a contribution to Shapp was made in his name. The address provided for Provenzano was identical to the address provided for Marion. The Shapp Committee documents also include two $100 receipts, numbered 202 and 203, for Vincent Provenzano and Isadore Marion. Both contributions were

deposited by the Shapp Committee on November 13, 1975 with deposit slip #473. Deposit slip #473 shows a cash deposit of $200. Each contributor card (listing name, address, occupation) has the number 473 in the upper right hand corner. It appears that Provenzano's name was provided after Mr. Marion had purchased two tickets.

It also appears that Mr. Marion purchased a ticket for William Pompili. On Pompili's receipt for the cocktail party, number 162, Isadore Marion's name had been written in, crossed out, and Pompili's name was added. The address is identical to Marion's address, and Pompili's occupation is listed as hairdresser which is Marion's occupation. Pompili testified in deposition that he has never been a hairdresser, although he said he purchased his ticket with personal funds.

Isadore Marion appeared for deposition on April 19, 1977 and upon advice from his attorney, Marion took the Fifth Amendment in response to every question except his name. The Commission on April 28, 1977 found reason to believe that Marion committed a violation of 2 U.S.C. §441f and §441g. Marion was notified of the Commission's actions and given opportunity to demonstrate that no action should be taken against him. Marion's attorney, Oscar B.

Goodman, responded on May 12, 1977 that Mr. Marion still would not discuss the matter with the Commission.

III. Analysis

The evidence indicates Isadore Marion is in violation of 2 U.S.C. §441(f) and §441(g). In absence of a response from Mr. Marion, the Commission should take further action based on the information available at this time.

IV. Recommendation

Find reasonable cause to believe; send attached letter.

William C. Oldaker
General Counsel

DATE: 5/23/77

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BEFORE THE FEDERAL ELECTION COMMISSION
January 3, 1978

In the Matter of	)	
	)	MUR 256 (76)
Isadore Marion	)	

GENERAL COUNSEL'S REPORT

I. ALLEGATIONS:

Documentary evidence and testimony developed during the investigation of the Shapp Committee's activities in Nevada indicated that Isadore Marion may have violated 2 U.S.C. §§441f and 441g. The evidence indicated that Marion may have purchased two $100 tickets in cash at a cocktail party held for Governor Shapp, and that one of the tickets may have been purchased by him in the name of a Vincent Provenzano. Other evidence indicated that Marion may have purchased a $100 ticket for a William Pompili. The evidentiary details are set out in our report to the Commission of May 23, 1977.

On April 28, 1977, the Commission found reason to believe that Marion violated §441f and §441g, and on May 26, 1977 it found reasonable cause to believe that Marion violated these provisions.

II. RESPONDENT'S TESTIMONY:

On April 19, 1977, we attempted to depose Mr. Marion, but on the advice of counsel, he took the Fifth Amendment. Since that time we have been in correspondence with his attorney in an attempt to obtain his testimony. When Marion changed his position on testifying, we submitted a series of interrogatories and on December 2, 1977, he submitted his sworn responses.

In his answers, Marion states that a $100 cocktail party ticket he purchased in his own name in cash was his only contribution to the Shapp Committee. He said that campaign worker Joan Wilhelm later contacted him to obtain documentation for the contribution and that he did sign a statement. 1/ He specifically denied purchasing tickets or making contributions for anyone else and said he had no knowledge of anyone who made a contribution in his name.

The interrogatories and answers were also specifically directed to Marion's connections with Vincent Provenzano and William Pompili. Marion said that he had asked Provenzano and Pompili, both of whom he knew, to purchase tickets. Pompili had lived at the same address as Marion but Marion does not now know where he is. Provenzano had not lived at Marion's address but used it "due to marital problems." Marion does not now know where he is.

William Pompili testified in deposition that he purchased his ticket with his own money and that the signature on the documentation was his. We made several attempts to locate Vincent Provenzano to get his version of the facts, but we were unsuccessful. Campaign worker Joan Wilhelm testified in deposition that, while she dropped off Provenzano's statement of contribution form along with Marion's form at Marion's beauty shop, she did not actually see who signed them.

1/ The Marion signature on the documentation does resemble the signature on the answers to the interrogatories.

III. ANALYSIS:

Since Marion's testimony is consistent with Pompili's on the central issue of the contributions, and the documentary evidence is not conclusive, there is insufficient evidence to indicate that Marion violated §§441f and 441g.

IV. RECOMMENDATION:

The Commission should take no further action, close the file in the matter and send the attached letter to respondent.

1/10/79
DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

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Euclid National Bank

BRANCH 17 No. 376566

B-120 / 410

CASHIER'S CHECK CLEVELAND, OHIO 44115 DATE January 5, 19 77

PAY TO THE ORDER OF Federal Elections Commission $ 100.00

E.N.B. 100000001

L C Trouellier

TWO SIGNATURES REQUIRED OVER $5000

⑈376566⑈ ⑆0410⑈0120⑆090⑈2014 4⑈

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Donald Hughes)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 15, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that Donald Hughes is in violation of 2 U.S.C. Section 441(f) in the above-captioned matter.

Voting for this finding were Commissioners Harris, Springer, Staebler, and Tiernan; Commissioner Aikens abstained from voting; Commissioner Thomson was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

June 6 , 1977

In the Matter of)
) MUR 256 (76)
Donald Hughes)

GENERAL COUNSEL'S REPORT

I. Allegations

It is alleged that the respondent, Donald Hughes, received a letter from the Shapp for President Committee stating that he had made a $100 contribution to the Shapp for President Committee. Mr. Hughes signed and returned the letter although he never contributed any of his personal funds to the Shapp for President Committee.

II. Evidence

Shapp Committee documents show a receipt for the November 9, 1975 cocktail party, number 158, made out to Don Hughes. There is a receipt to Mr. Hughes, dated November 11, 1975, for a $100 cash contribution. In addition, there is a signed contributor letter by Donald Hughes which shows his name, address and amount of contribution.

Mr. Hughes appeared for deposition on April 18, 1977 and testified that he never made a contribution to the Shapp for President Committee. He stated he did not attend the November 9, 1975 cocktail party for Governor Shapp at the Las Vegas Country Club. Mr. Hughes

testified that he got something through the mail from Shapp's Election Committee saying that he had contributed a hundred dollars which Hughes signed.

The Commission found reason to believe that Donald Hughes committed a violation of 2 U.S.C. §441(f) on April 28, 1977. Hughes was notified of the Commission's actions and given opportunity to demonstrate that no action should be taken against him. To expedite matters, a conciliation agreement that the Commission would offer as settlement of the violation was enclosed with Hughes' notification. Mr. Hughes refused to sign or agree to any of the conditions of the agreement because he said he did not knowingly break any laws.

III. Analysis

The evidence indicates Donald Hughes is in violation of 2 U.S.C. §441(f) regardless of whether or not the violation was knowing and willful. The Commission should take further action based on the information available at this time.

IV. Recommendation

Find reasonable cause to believe; send attached letter and conciliation agreement.

William C. Oldaker
General Counsel

Date: 6/1/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256 (77)
Donald Hughes	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 16, 1977, the Commission adopted the recommendation of the General Counsel to approve the conciliation agreement in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED FEDERAL ELECTION COMMISSION

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In the Matter of)
) MUR 256(76)
Donald Hughes)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Donald Hughes, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Donald Hughes having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Donald Hughes and the subject matter of this proceeding.

II. That respondent Donald Hughes has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Donald Hughes resides in Las Vegas, Nevada, and is employed by the Sands Hotel in Las Vegas, Nevada.

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B. Respondent Donald Hughes received a card from the Shapp for President Committee stating that a $100 contribution to the Shapp for President Committee had been made in his name. Respondent Donald Hughes signed the card and returned it to the Committee.

C. Respondent Donald Hughes was not asked to provide any funds to accompany the letter and has not contributed any of his personal funds to the Shapp for President Committee

Wherefore, respondent Donald Hughes agrees:

I. Respondent Donald Hughes' actions in signing an acknowledgement to the Shapp for President Committee stating a contribution was made in his name when he did not provide any of his personal funds constituted knowing permission to use his name to effect a contribution made by another person in his name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C §614. As such, respondent Donald Hughes' actions in signing the letter is in violation of 2 U.S.C. §441f/ 18 U.S.C. §614.

II. Respondent Donald Hughes agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Donald Hughes agrees that he will not undertake any activity which is in violation of the

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Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Donald Hughes will pay a civil penalty in the amount of twenty five (25) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Donald Hughes shall have 10 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date: 9/19/77

William C. Oldaker
General Counsel

Date: 9-8-77

Donald Hughes

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Samuel Hoffman)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 22, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. section 441f had been committed by the respondent in the above-captioned matter and to instruct the staff to enter into the conciliation agreement submitted by the staff.

Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson, and Tiernan; Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

June 17, 1977

In the Matter of	)	MUR 256 (76)
	)	
Samuel Hoffman	)	

GENERAL COUNSEL'S REPORT

I. Allegations

It is alleged that the respondent, Samuel Hoffman, was asked to buy a ticket to a Shapp for President Committee cocktail party. Mr. Hoffman refused to purchase a ticket; however, he allowed his name to be used as a contributor although he never contributed any of his personal funds to the Shapp Committee.

II. Evidence

Shapp Committee documents show a ticket stub, made out to Samuel Hoffman, number 114, for the November 9, 1975 cocktail party for Governor Shapp. There is a receipt to Sam Hoffman dated November 12, 1975, for a $100 cash contribution. There is also a contributor letter signed by Mr. Hoffman which includes his name, address and amount of contribution.

Mr. Hoffman appeared for deposition on April 19, 1977 and testified that he made no contribution to the Shapp for President Committee at any time. Hoffman stated that someone approached him at work and asked him to

purchase a $100 ticket for a Shapp function. When Hoffman refused, the person said he would buy the ticket for him. Mr. Hoffman identified his signature on the contributor letter, although he did not recall signing it.

The Commission found reason to believe that Samuel Hoffman committed a violation of 2 U.S.C. §441f on April 28, 1977. Hoffman was notified of the Commission's actions and was given opportunity to demonstrate that no action should be taken against him. To expedite matters, a conciliation agreement that the Commission would offer as settlement of the violation was enclosed with Hoffman's notification.

Mr. Hoffman responded to the Commission on May 25, 1977 to demonstrate that no action should be taken against him. Mr. Hoffman wrote that he was totally unaware of the provision of law pertaining to matching funds, and would have never signed his name if he had known. Mr. Hoffman cited his cooperation in the investigation and his unblemished record during 38 years of government work as a plea for dismissal of the matter. Mr. Hoffman agreed to sign the conciliation agreement if the Commission still felt he should be punished.

III. Analysis

The evidence indicates Samuel Hoffman is in violation of 2 U.S.C. §441f regardless of whether or not the violation was knowing and willful.

IV. Recommendation

Find reasonable cause to believe; send attached letter and conciliation agreement.

William C. Oldaker
General Counsel

DATE: 6/20/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256 (76)
Samuel Hoffman	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 3, 1977, the Commission adopted the recommendation of the General Counsel to accept the conciliation agreement in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256 (76)
	)	
Samuel Hoffman	)	

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CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Samuel Hoffman, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Samuel Hoffman having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Samuel Hoffman and the subject matter of this proceeding.

II. That respondent Samuel Hoffman has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Samuel Hoffman resides in Las Vegas, Nevada, and is employed by Ceasars Palace in Las Vegas, Nevada.

B. Sometime around November, 1975, some person in the Baccarat Room at Ceasars Palace asked respondent Hoffman to contribute to the Shapp for President Committee. When respondent Hoffman refused to contribute, the person asked respondent Hoffman to sign a letter stating that respondent Samuel Hoffman was making a $100 contribution to the Shapp for President Committee. Respondent Hoffman signed the contributor letter.

C. Respondent Hoffman was not asked to provide any funds to accompany the letter and has not contributed any of his personal funds to the Shapp for President Committee.

Wherefore, respondent Samuel Hoffman agrees:

I. Respondent Samuel Hoffman's actions in signing an acknowledgment to the Shapp for President Committee stating that he was making a $100 contribution when he did not provide any of his personal funds constituted knowing permission to use his name to effect a contribution made by another person in his name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Hoffman's actions in signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondent Samuel Hoffman agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Samuel Hoffman agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Samuel Hoffman will pay a civil penalty in the amount of twenty-five (25) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Samuel Hoffman shall have ten days from the date of this agreement to implement

and comply with the requirements contained herein, or to so notify the Commission.

DATE: 8/3/77

William C. Oldaker
General Counsel

DATE: July 26, 1977

Samuel Hoffman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Patricia Henry)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 28, 1977, the Commission determined by a vote of 4-0 to find reason to believe that Patricia Henry had violated 2 U.S.C. §441f/18 U.S.C. §614 in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; and Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

August 2, 1977

In the Matter of	)	
	)	MUR 256(76)
Patricia Henry	)	

GENERAL COUNSEL'S REPORT

I. Allegations

It is alleged that the respondent, Patricia Henry, received a letter from the Shapp for President Committee stating that a $100 contribution to the Shapp for President Committee has been made in her name. Ms. Henry signed and returned the letter although she never contributed any of her personal funds to the Shapp for President Committee.

II. Evidence

Shapp Committee documents show a receipt for the November 9, 1975 cocktail party, number 157, made out to P.A. Henry. There is a receipt to Ms. Henry, dated November 12, 1975, for a $100 cash contribution. In addition, there is a signed contributor letter, dated January 5, 1976, by Patricia Henry which states a $100 contribution was made in her name.

Ms. Henry appeared for deposition on April 18, 1977 and testified that she never made a contribution to the Shapp for President Committee. She stated she did not even know about the November 9, 1975 cocktail party for Governor Shapp at the Las Vegas Country Club. Ms. Henry

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testified that she got something through the mail saying a $100 contribution was made in her name which Ms. Henry signed and returned to the Committee. Evidence from Bill Brody, a respondent in another matter, indicated that he was the one who had made the contribution in Ms. Henry's name.

On April 28, 1977, the Commission found reason to believe that Patricia Henry committed a violation of 2 U.S.C. §441f. Ms. Henry was notified of the Commission's determination and given opportunity to demonstrate that no action should be taken against her. To expedite matters, a conciliation agreement that the Commission would offer as settlement of the violation was enclosed with Ms. Henry's notification. Ms. Henry then obtained an attorney and he responded to the Commission on July 20, 1977. He stated that the Commission should close the matter without requiring any conciliation agreement but offered no new facts or arguments in support of this request.

III. Analysis

Under 2 U.S.C. §441f, a person is prohibited from knowingly permitting his or her name to be used to effect a contribution made in the name of another. Bill Brody made a contribution in the name of Patricia Henry in this case. While Ms. Henry says she was not called by the Shapp Committee until after the contribution had been

made, she, at that time, knowingly allowed her name to be used to effect this contribution. This constitutes a knowing violation of the statute. Based on the fact that the respondent is not amenable to a conciliation agreement and has offered no new evidence or arguments in support of her position, the Commission should take the next step in this matter.

IV. Recommendation

Find reasonable cause to believe; send attached letter and conciliation agreement.

William C. Oldaker
General Counsel

Date: 8/1/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Patricia Henry)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 11, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe a violation of 2 U.S.C. Section 441f had been committed in the above-captioned matter and to enter into a conciliation agreement subject to a civil penalty of $25.00 to be paid by the respondent.

Commissioners Aikens and Harris were not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256(76)
Patricia A. Henry	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Patricia A. Henry, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Henry having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Patricia A. Henry and the subject matter of this proceeding.

II. That respondent Henry has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Henry resides in Las Vegas, Nevada and is employed by the Dunes Hotel and Casino.

B. Sometime around November, 1975, Bill Brody, an old friend from Cleveland, Ohio phoned respondent Henry and stated that he made a $100 contribution to the Shapp for President Committee in the name of respondent Henry.

C. Respondent Henry subsequently received a letter from the Shapp for President Committee stating that a $100 contribution was made in her name. Respondent Henry signed the letter and returned it to the Shapp Committee.

D. Respondent Henry was not asked to provide any funds to accompany the letter and has not contributed any of her personal funds to the Shapp for President Committee.

Wherefore, respondent Henry agrees:

I. Respondent Henry's actions in signing an acknowledgement to the Shapp for President Committee stating that a $100 contribution was made in her name when she did not provide any of her personal funds constituted knowing permission to use her name to effect a contribution made by another person in her name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Henry's actions in signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondent Henry agrees that she will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Henry agrees that she will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Henry will pay a civil penalty in the amount of twenty five (25) dollars pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Henry shall have ten days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: 9/29/77

William C. Oldaker
General Counsel

DATE: 9/16/77

Patricia A. Henry

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256(76)
Patricia A. Henry	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent Patricia A. Henry, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Henry having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Patricia A. Henry and the subject matter of this proceeding.

II. That respondent Henry has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Henry resides in Las Vegas, Nevada and is employed by the Dunes Hotel and Casino.

B. Sometime around November, 1975, Bill Brody, an old friend from Cleveland, Ohio phoned respondent Henry and stated that he made a $100 contribution to the Shapp for President Committee in the name of respondent Henry.

C. Respondent Henry subsequently received a letter from the Shapp for President Committee stating that a $100 contribution was made in her name. Respondent Henry signed the letter and returned it to the Shapp Committee.

D. Respondent Henry was not asked to provide any funds to accompany the letter and has not contributed any of her personal funds to the Shapp for President Committee.

Wherefore, respondent Henry agrees:

I. Respondent Henry's actions in signing an acknowledgement to the Shapp for President Committee stating that a $100 contribution was made in her name when she did not provide any of her personal funds constituted knowing permission to use her name to effect a contribution made by another person in her name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Henry's actions in signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondent Henry agrees that she will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Henry agrees that she will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Henry will pay a civil penalty in the amount of twenty five (25) dollars pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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III. It is agreed that respondent Henry shall have ten days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: 9/29/77

William C. Oldaker
General Counsel

DATE: 9/16/77

Patricia A. Henry

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Patricia Henry)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 29, 1977, the Commission adopted the recommendation of the General Counsel to approve the conciliation agreement in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Jackie Fields)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 28, 1977, the Commission determined by a vote of 4-0 to find reason to believe that a violation of 2 U.S.C. Section 441f/ and Section 441g had been committed in the above-captioned matter. Voting for this finding were Commissioner Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; and Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256 (76)
	)	
	)	
Jackie Fields	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 12, 1977, the Commission adopted the recommendation of the General Counsel to approve the Conciliation Agreement in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
) MUR 225
Jackie Fields)

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CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Jackie Fields, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Jackie Fields having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Jackie Fields and the subject matter of this proceeding.

II. That respondent Jackie Fields has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Jackie Fields resides in Las Vegas, Nevada, and is employed by the Tropicana Hotel and Casino in Las Vegas, Nevada.

B. Sometime around November, 1975 someone asked respondent Jackie Fields to contribute to the Shapp for President Committee. Respondent Jackie Fields complied with this request and purchased four tickets to the cocktail party for Shapp held at the Las Vegas Country Club on November 9, 1975. Respondent Fields purchased two $100 tickets for himself with a personal check (#7518 dated November 8, 1975), and paid cash for two $100 tickets in his daughter's name.

Wherefore, respondent Jackie Fields agrees:

I. Respondent Jackie Field's actions in contributing his personal funds to the Shapp for President Committee in his daughter's name constituted making a contribution in the name of another person within the meaning of 2 U.S.C. §441f and its predecessor 13 U.S.C. §614. As such, respondent Jackie Field's actions in contributing in his daughter's name is in violation of 2 U.S.C. §441f/18 U.S.C. §614. In addition, the fact that this contribution was made in cash is in violation of 2 U.S.C. §441g and its predecessor 18 U.S.C. §615 which limits contributions of currency, in the aggregate to $100.

II. Respondent Jackie Fields agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Jackie Fields agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Jackie Fields will pay a civil penalty in the amount of two hundred (200) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Jackie Fields shall have ten days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: 9/14/77

William C. Oldaker
General Counsel

DATE: 8-29-77

Jackie Fields
Jackie Fields

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BEFORE THE FEDERAL ELECTION COMMISSION

June 17, 1977

In the Matter of	)	MUR 256 (76)
	)	
James Blake	)	

GENERAL COUNSEL'S REPORT

I. Allegations

It is alleged that the respondent, James Blake, was given a $100 ticket to a Shapp cocktail party in Las Vegas, Nevada. Mr. Blake signed a contributor letter to effect a contribution although he never contributed any of his personal funds to the Shapp for President Committee.

II. Evidence

Shapp Committee documents show a ticket stub for the Shapp cocktail party, number 134, made out to James Blake. There is a $100 cash receipt dated November 12, 1975 to James Blake, and a signed contributor letter stating his name, address and amount of contribution.

Mr. Blake appeared for deposition on April 18, 1977 and testified he never made a contribution to the Shapp for President Committee. Blake was working as a host at the Riviera Hotel when he was introduced to a gentleman who gave him a ticket to the Shapp cocktail party. Blake identified his signature on the contribution letter, however he did not recall signing it.

The Commission found reason to believe that James Blake committed a violation of 2 U.S.C. §441f on April 28, 1977. Blake was notified of the Commission's actions and given an opportunity to demonstrate that no action should be taken against him. To expedite matters, a conciliation agreement that the Commission would offer as settlement of the violation was enclosed with Blake's notification.

Blake responded to the Commission in a letter dated May 24, 1977. Mr. Blake stated he was totally innocent and totally unaware of doing something against the law when he accepted the ticket.

III. Analysis

The evidence indicates James Blake is in violation of 2 U.S.C. §441f regardless of whether or not the violation was knowing and willful.

IV. Recommendation

Find reasonable cause to believe; send attached letter and conciliation agreement.

William C. Oldaker
General Counsel

DATE: 6/20/77

BEFORE THE FEDERAL ELECTION COMISSION

In the Matter	)	
	)	MUR 256(76)
of James Blake	)	

GENERAL COUNSEL'S REPORT

I. Allegations

It is alleged that the respondent, James Blake, was given a $100 ticket to the Shapp cocktail party in Las Vegas, Nevada. Mr. Blake signed a contributor letter to effect a contribution although he never contributed any of his personal funds to the Shapp for President Committee.

II. Evidence

Mr. Blake appeared for deposition on April 18, 1977 and testified he never made a contribution to the Shapp Committee. Blake was working as a host at the Riviera Hotel when he was introduced to a gentleman who gave him a ticket to the Shapp cocktail party. Blake identified his signature on the contributor letter, however he did not recall signing it.

III. Previous Commission Action

The Commission found reason to believe that James Blake committed a violation of 2 U.S.C. §441f on April 28, 1977. To expedite matters, the attached conciliation agreement was approved by the Commission as settlement of the violation. The Commission found

reasonable cause to believe that Blake committed a violation of 2 U.S.C. §441f on June 22, 1977, and offered the same conciliation agreement as settlement of the violation. The signed conciliation agreement was received by the Commission on August 29, 1977.

IV. Analysis

James Blake is one of eight individuals in Nevada whom the Commission has investigated under MUR 256(76) for violations of 2 U.S.C. §441f. Of these eight, Blake is the only one whose conciliation agreement contains no penalty provision. (The other agreements contain penalties ranging from $25 to $200.) His case can be distinguished from the other cases in these ways: Blake neither contributed money nor was asked to contribute; the cocktail party ticket was given to him as a favor. Blake apparently signed for the ticket when he received it, without time for reflection.

V. Recommendation

Approve the signed conciliation agreement; notify the respondent.

Date: 9/20/77

William C. Oldaker
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256 (76)
James Blake)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 22, 1977, the Commission adopted the recommendation of the General Counsel to approve the conciliation agreement in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
SEC

BEFORE THE FEDERAL ELECTION COMMISSION

'77 AUG 29 PM 4:18

In the Matter of	)	MUR 256 (76)
	)	
James Blake	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, James Blake, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent James Blake having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent James Blake and the subject matter of this proceeding.

II. That respondent James Blake has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent James Blake resides in Las Vegas, Nevada, and is presently retired, formerly employed by the Riviera Hotel in Las Vegas, Nevada.

B. Sometime in November, 1975, the respondent was approached by a man while on duty as a host in the Riviera Hotel. Respondent, James Blake was given a ticket to the cocktail party for Governor Shapp at the Las Vegas Country Club. This man who approached respondent, possibly Turk Americus, asked respondent James Blake to sign a letter to the Shapp for President Committee stating that respondent James Blake was making a $100 contribution to the Shapp for President Committee. Respondent James Blake signed a letter stating words to that effect.

C. Respondent James Blake was not asked to provide any funds to accompany the letter and has not contributed any of his personal funds to the Shapp for President Committee.

Wherefore, respondent James Blake agrees:

I. Respondent James Blake actions in signing an acknowledgement to the Shapp for President Committee stating that he was making a $100 contribution when he did not provide any of his personal funds constituted knowing permission to use his name to effect a contribution made by another person in his name within the meaning of

2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent James Blake's actions in signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondent Blake agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Blake agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent James Blake shall have 10 days from the date of this agreement to implement

and comply with the requirements contained herein, or to so notify the Commission.

DATE:

William C. Oldaker
General Counsel

DATE:

James Blake

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256 (76)
Robert and Michele Feinberg)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 22, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. Section 441f of the Federal Election Campaign Act had been committed by the respondents in the above-captioned matter, and to instruct the staff to enter into the conciliation agreement submitted by the staff.

Voting for this finding were Commissioners Harris, Springer, Staebler, Springer, Thomson, and Tiernan; Commissioner Aikens abstained from voting.

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

June 17, 1977

In the Matter of	)	MUR 256 (76)
	)	
Robert and Michele Feinberg	)	

GENERAL COUNSEL'S REPORT

I. Allegations

It is alleged that the respondents, Robert and Michele Feinberg, signed statements that they contributed $100 each to the Shapp for President Committee although they did not contribute any of their personal funds to the Committee.

II. Evidence

Shapp Committee documents reveal two $100 ticket stubs dated November 9, 1975, in Michele Fields' name (Michele Feinberg's maiden name). The $200 cash contribution which came from the sale of these two tickets was deposited on November 12, 1975 and attributed to Robert and Michele Feinberg. Contributor letters signed by Robert and Michele Feinberg in January, 1976 further documented their contribution.

The Feinbergs testified they never purchased cocktail party tickets nor attended the function on November 9, 1975. Michele Feinberg positively identified her father's handwriting on the ticket stubs. The Feinbergs stated they contributed $200 cash to the Shapp campaign in January, 1976, when they signed contributor letters; however,

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Joan Wilhelm, coordinator of the Shapp campaign in Nevada, testified she went to Ceasars Palace to obtain Robert and Michele Feinberg's signatures, but she never collected cash or any contribution from them. Ms. Wilhelm vaguely recalled the Feinbergs' contributions being made by someone else, and she had to obtain their signatures as proof of contribution from them.

The Commission found reason to believe that Robert and Michele Feinberg committed a violation of 2 U.S.C. §441f on April 28, 1977. The Feinbergs were notified of the Commission's action and were given opportunity to demonstrate that no action should be taken against them. To expedite matters, a conciliation agreement that the Commission would offer as settlement of the violation was enclosed with the Feinbergs' notification.

The Feinbergs have not responded to the Commission although they received their notification on May 23, 1977.

III. Analysis

The evidence indicates Robert and Michele Feinberg are in violation of 2 U.S.C. §441f. The Commission should take further action on the information available at this time.

IV. Recommendation

Find reasonable cause to believe; send attached letter and conciliation agreement.

DATE: 6/20/77

William C. Oldaker
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Michele and Robert Feinberg	)))	MUR 256(76)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondents, Michele and Robert Feinberg, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Michele and Robert Feinberg having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents Michele and Robert Feinberg and the subject matter of this proceeding.

II. That respondents Michele and Robert Feinberg have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondents Michele and Robert Feinberg reside in Las Vegas, Nevada. Robert Feinberg is employed by Caesars Palace in Las Vegas, Nevada and Michele Feinberg is not employed presently, but was formerly employed at Caesars Palace also.

B. On or around December 30, 1975, a representative of the Shapp Campaign in Nevada asked respondents Michele and Robert Feinberg to sign a letter to the Shapp for President Committee stating that respondents Michele and Robert Feinberg had made a $200 contribution to the Shapp for President Committee. Respondents Michele and Robert Feinberg signed a letter stating words to that effect although they never contributed any of their personal funds to the Shapp for President Committee.

Wherefore, respondents Michele and Robert Feinberg agree:

I. Respondents Michele and Robert Feinberg's actions in signing an acknowledgement to the Shapp for President Committee stating that they were making a $200 contribution when they did not provide any of their personal funds constituted knowing permission to use their names to effect a contribution made by another person in their names within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondents Michele and Robert Feinbergs' actions in signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

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II. Respondents Michele and Robert Feinberg agree that they will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondents Michele and Robert Feinberg agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondents Michele and Robert Feinberg will pay a civil penalty in the amount of one hundred (100) dollars each (two hundred (200) dollars total), pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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 Colunbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondents Michele and Robert Feinberg shall have 10 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: 12/5/77

William C. Oldaker
General Counsel

DATE: 9-27-77

Michele Feinberg

DATE: 9-27-77

Robert Feinberg

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Michele and Robert Feinberg	)))	MUR 256(76)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondents, Michele and Robert Feinberg, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Michele and Robert Feinberg having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents Michele and Robert Feinberg and the subject matter of this proceeding.

II. That respondents Michele and Robert Feinberg have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondents Michele and Robert Feinberg reside in Las Vegas, Nevada. Robert Feinberg is employed by Caesars Palace in Las Vegas, Nevada and Michele Feinberg is not employed presently, but was formerly employed at Caesars Palace also.

B. On or around December 30, 1975, a representative of the Shapp Campaign in Nevada asked respondents Michele and Robert Feinberg to sign a letter to the Shapp for President Committee stating that respondents Michele and Robert Feinberg had made a $200 contribution to the Shapp for President Committee. Respondents Michele and Robert Feinberg signed a letter stating words to that effect although they never contributed any of their personal funds to the Shapp for President Committee.

Wherefore, respondents Michele and Robert Feinberg agree:

I. Respondents Michele and Robert Feinberg's actions in signing an acknowledgement to the Shapp for President Committee stating that they were making a $200 contribution when they did not provide any of their personal funds constituted knowing permission to use their names to effect a contribution made by another person in their names within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondents Michele and Robert Feinbergs' actions in signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondents Michele and Robert Feinberg agree that they will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondents Michele and Robert Feinberg agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondents Michele and Robert Feinberg will pay a civil penalty in the amount of one hundred (100) dollars each (two hundred (200) dollars total), pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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 Colunbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondents Michele and Robert Feinberg shall have 10 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: _____ _____
William C. Oldaker
General Counsel

DATE: 9-27-77 _____
Michele Feinberg

DATE: 9-27-77 _____
Robert Feinberg

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256 (76)
Able One Answering Service)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 26, 1977, the Commission determined by a vote of 4-0 to issue a subpoena for the records from the Able One Answering Service with regards to Mr. Bill Brody in the above-captioned matter.

Voting for this action were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; and Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
Washington, D. C.

48 HOUR GENERAL COUNSEL REPORT

MUR NO. 256(76)

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION 7-13-77

DATE COMPLAINT RECEIVED BY OGC

ATTORNEY S. Donaldson

Complainant's Name: Internally Generated

Respondent's Name: Bill Brody

Relevant Statute: 2 U.S.C. §441f/18 U.S.C. §614
Submissions of Shapp

Internal Reports Checked: for Pres. Comm. Federal Agencies Checked None

SUMMARY OF ALLEGATION

Patricia Henry testified in deposition that she was called by an old friend from Ohio named Bill Brody who told her he made a contribution of $100 to the Shapp Committee in her name. Ms. Henry testified she never contributed any of her personal funds to the Shapp Comm. although her name was submitted as a $100 contributor in the threshold submission.

PRELIMINARY LEGAL ANALYSIS

A person is prohibited from making a contribution in the name of another person by 2 U.S.C. §441f. The evidence suggests that Mr. Brody provided the funds for the contribution in Ms. Henry's name. Pursuant to the 1976 amendments to the Federal Election Campaign Act, the Commission is handling this alleged violation under 2 U.S.C. §441f rather than 18 U.S.C. §614.

RECOMMENDATION

(1) Find reason to believe; (2) Send the attached notification of the Commission's determination to the respondent; (3) Subpoena the respondent to appear for deposition in the event that he fails to respond to the Commission within the required time period, or if his response is inadequate.

Date of Next Commission Review:

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Bill Brody)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on July 14, 1977, the Commission adopted the recommendation of the General Counsel that it finds reason to believe that a violation of the Federal Election Campaign Act, as amended, had been committed in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

September 16, 1977

In the Matter of	)	
	)	MUR 256(76)
William S. Brody	)	

GENERAL COUNSEL'S REPORT

I. Allegations

It is alleged that William S. Brody of Cleveland, Ohio, purchased a $100 ticket to a Shapp for President Committee cocktail party in the name of Ms. Patricia Henry of Las Vegas, Nevada.

II. Evidence

Shapp Committee documents show a receipt for the November 9, 1975 cocktail party, #157, made out to P. A. Henry. There is also a receipt to Ms. Henry dated November 12, 1975 for a $100 cash contribution. This documentation was submitted to the Federal Election Commission to effect a $100 contribution from Ms. Henry for matching funds purposes.

Ms. Henry appeared for deposition on April 18, 1977 and testified that she never made a contribution to the Shapp for President Committee. Ms. Henry testified that Bill Brody of Cleveland, Ohio made a contribution to the Shapp for President Committee in her name.

The Federal Election Commission found reason to believe that Bill Brody committed a violation of 2 U.S.C. §441 f on July 14, 1977. Brody was notified of the Commission's actions and given the opportunity to demonstrate that no action should be taken against him. Mr. Brody's attorney responded to the Commission on August 1, 1977 stating that his client had purchased a ticket in Patricia Henry's name; however, it was an isolated incident, and hopefully, no further action would be required.

The Commission issued an order on August 18, 1977 requiring Mr. Brody to answer questions in connection with his contribution to the Shapp for President Committee. Mr. Brody testified that he purchased a $100 ticket to the Shapp for President Committee cocktail party in Ms. Henry's name, but he was not aware that the purchase of the ticket was a contribution to the Shapp for President Committee.

III. Analysis

The evidence indicates William S. Brody is in violation of 2 U.S.C. §441 f . The Commission should take further action based on the information available at this time.

IV. Recommendation

Find reasonable cause to believe; send attached letter and conciliation agreement.

Date: 9/19/77

William C. Oldaker
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of	)	
	)	MUR 296 (76)
William S. Brody	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent William S. Brody, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Brody having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent William S. Brody and the subject matter of this proceeding.

II. That respondent Brody has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Brody resides in Cleveland, Ohio and is a salesman in the cigar business.

B. Sometime around November, 1975, respondent Brody purchased a $100 ticket for a Shapp for President Committee cocktail party in the name of Ms. Patricia Henry of Las Vegas, Nevada.

C. Ms. Henry's name was written on the ticket stub and this stub was submitted to the Federal Election Commission as documentation to effect a $100 contribution to the Shapp for President Committee. Ms. Henry did not provide any of her personal funds for the purchase of the cocktail party ticket.

Wherefore, respondent Brody agrees:

I. Respondent Brody's actions in purchasing a $100 ticket to the Shapp for President Committee cocktail party in Ms. Henry's name constituted a contribution in the name of another within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Brody's actions in purchasing the ticket is in violation of 2 U.S.C §441f/18 U.S.C. §614.

II. Respondent Brody agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Brody agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Brody will pay a civil penalty in the amount of one hundred (100) dollars pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Brody shall have ten days from the date of this agreement to implement and comply with the requirements contained herein or to so notify the Commission.

Date: 20 Jan 1978

William C. Oldaker
General Counsel

Date: Jan 4, 1978

William S. Brody

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-9
Milton Weinsten	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 14, 1977, the Commission determined by a vote of 4-0 to find reason to believe that violations of 2 U.S.C. Section 441b had been committed by the respondent in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler and Thomson. Commissioner Aikens abstained from voting. Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

went before Commission 4/14

BEFORE THE FEDERAL ELECTION COMMISSION

April 12, 1977

In the Matter of	)	MUR 256
	)	
Winfield Manufacturing Co., Inc.	)	
	)	

GENERAL COUNSEL'S REPORT

I. Summary of Allegation

On October 21, 1976, the Commission made a reason to believe finding that the Winfield Manufacturing Co., Inc. (Winfield) may have violated 2 U.S.C. §441b, 18 U.S.C. §610 and 18 U.S.C. §441f, 18 U.S.C. §614 in that corporate funds were given to employees to make contributions to the Shapp for President Committee. This finding was based on a pattern of contributions from the employees of Winfield. The employee contributions were given during the same short time period and the contributions appeared to be relatively substantial amounts of money from the employees of their spouses.

The corporation was notified by letter of the Commission's finding. No formal response has been filed by respondents.

II. Summary of Investigation

A. Transfer of Corporate Funds

Milton Weinsten, President of Winfield Manufacturing Company, testified in deposition that Fleanor Elias, a fundraiser for the Shapp Committee, called him and asked

if he could get some people in Alabama to contribute to the Shapp campaign. (Deposition of Milton Weinsten, p. 10-11; deposition of E. Elias, p. 86-87.) M. Weinsten talked with Hugh (Buddy) Walker, plant manager at Winfield and told him that he (Weinsten) favored Governor Shapp and asked Walker to talk to some of the supervisors at the plant about contributing to Shapp's campaign. (Deposition of Weinsten, pp. 12-14.) Weinsten testified that he told Walker that if he, or any of the persons who were asked by Walker, did not have the money, we (the company) would loan them money for their contributions. (Deposition of Weinsten, p. 42.)

Hugh Walker testified on deposition that Milton Weinsten told him that the Shapp Committee needed two thousand dollars in contributions from persons from the Winfield plant and that the contributions should be in the amount of $250 for each individual. Weinsten asked him to use his own funds to cover the employees contributions and told him that the company would reimburse him. The contributions were needed immediately and he would be reimbursed when Bill Martin, the general manager who was authorized to sign checks was next in Winfield. This call was made on or about January 9, 1976. (Deposition of H. Walker, pp.)

Both Bill Martin and Milton Weinsten testified that Martin called Weinsten and asked Weinsten if it was alright

to approve a loan of $2,000 to Hugh Walker. (Deposition of M. Weinsten, p. 53, deposition of B. Martin, pp. .)

Weinsten testified that he told Martin to give Walker whatever amount he requested and to make the deduction at the end of the year when bonuses were passed out. (Deposition of M. Weinsten, p. 53.) Weinsten testified that the amount of the loan was $2,000; no interest was to be charged on the loan. The loan was not evidenced by a written instrument. (Deposition of M. Weinsten, pp. 42-44, 53.)

A review of the bank records submitted by Winfield Manufacturing reveals check no. 8769 drawn on the corporate account of Winfield Manufacturing Company which is dated January 16, 1976, and payable to the order of Hugh Walker in the amount of $2,000. (Exhibit No. 1 to deposition of H. Walker.) Samuel Elias, treasurer of Winfield Manufacturing Company, testified in deposition that the transfer of corporate funds to Walker was entered on the corporate books as a factory expense. (Deposition of S. Elias, pp. 26-28.) A review of the corporate records revealed that the transfer was entered in the cash disbursements journal as a debit in the general column with an explanation of factory expense. (Copies of records attached to memo from Tom Haselhorst, dated March 31, 1977.)

Samuel Elias further testified that Milton Weinsten told him in November of 1976 that the transfer to Walker

was a loan.*/ (Deposition of S. Elias, pp. 26-28.) The transfer was readjusted in the November 1976 journals by debiting loans receivable and crediting surplus. (Deposition of S. Elias, pp. 31-32.) The corporate records support Mr. Elias' testimony. Although the adjusting entry is listed under the general heading of November 1976 with no particular date for the entry, it is the opinion of Mr. Haselhorst that the entry was made around November 30, 1976. This opinion is based on the other entries under this heading which are of the type which would normally be made at the end of the month. (Memo of T. Haselhorst dated March 31, 1977.)

Hugh Walker testified in deposition that Milton Weinsten told him sometime in December of 1976 that the $2,000 transfer to him was now going to be treated as a loan. When Mr. Walker protested that the transfer was not a loan, Weinsten told him that the law would not allow him to use corporate funds for the purpose of making contributions. (Deposition of H. Walker.)

B. Employee Contributions - January 9, 1976

As a result of Milton Weinsten's instruction, Walker had Beverly Skinner, the Winfield receiptionist, withdraw $2,000 from Walker's savings account. (Deposition of H. Walker, pp. ; Deposition of B. Skinner, pp. .)

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*/ The Commission's investigators were in Winfield on November 11 - 13, 1977.

Walker asked James Byram, Carole Winslett (Stovall), Thomas Vaughn, and Jerry Webster, all employees of Winfield Manufacturing Company, if they would write checks to the Shapp for President Committee. He told them that he would put money in their accounts to cover the cost of the checks. (Deposition of H. Walker, pp.); T. Vaughn, pp. 6-8; J. Webster, pp 5-6; deposition of C. Stovall, p. 14.) Walker had Beverly Skinner deposit $500 in the account of Thomas Vaughn and his wife Ella Mae, $250 in the account of James Byram, $250 in the account of Carole Winslett (Stovall), $500 in the account of Jerry Webster and his wife Ann, and $500 in Walker's account. (Deposition of H. Walker, pp ; B. Skinner, pp.) The above-named individuals then gave Walker checks in the amount of the deposits in their accounts made payable to the Shapp for President Committee. (Deposition of H. Walker, pp.).

January 14, 1976, contributions

Samuel Elias testified that he asked Carole Winslett (Stovall) to get some people to "pledge" $100 to the Shapp for President Committee. He told her that if they did not have the funds, they could just send in a letter stating they were making a $100 contribution. (Deposition of S. Elias, pp. 24-25.)

Hugh Walker testified that Eleanor Elias called him on or around January 14, 1976, and told him that the Committee needed letters from five employees stating that they were making $100 contributions to the Shapp for President Committee. The

employees did not, according to the instructions of Eleanor Elias, have to enclose any money. Walker asked Jewel Lawrence, Bonnie Ganey, Mary Berryhill, Joe Earnest, and Beverly Skinner, all employees of the plant, to sign letters stating they were making $100 contributions. The letters were forwarded to the Shapp Committee in care of Eleanor Elias. (Deposition of H. Walker, pp.).

III. Analysis of Facts

In our opinion, the documentary evidence supports Mr. Walker's testimony that the original transfer on

January 16, 1976, was intended to be a reimbursement to Mr. Walker for the money he provided to the employees for their contributions and for his own contribution and the contribution of his wife, rather than a loan to Mr. Walker. The original entries on the corporate books support Mr. Walker's testimony. In addition, Mr. Walker had received a bonus of approximately $5,000 several weeks before. That he had funds to cover the amount of the contributions is evidenced by the fact that he initially withdrew the entire $2,000 from his savings account. This initial advance by Mr. Walker was necessitated by the fact that only Mr. Weinsten and Mr. Martin, neither of whom are in Winfield, Alabama on a daily basis, are authorized to sign checks drawn on the corporate account. Mr. Walker testified that he asked Martin for the reimbursement the next time Martin was at the Winfield, Alabama plant, and the corporate check was dated January 16, 1976, one week after the employees' checks to the Shapp Committee were dated.

The corporate books of Winfield were closed for the tax year ending in June of 1976 with the $2,000 transfer listed as a factory expense on this tax return. (Statement of S. Elias to T. Haselhorst, Haselhorst memo of March 31, 1977.) It does not appear that the adjustment was made until after the Commission notified Winfield of a possible violation.

IV. Legal Analysis

2 U.S.C. §441b (18 U.S.C. §610) prohibits a corporation from making a contribution in connection with a Federal election. A contribution is defined to include any direct or indirect payment, distribution, or loan to any candidate or campaign committee. If the transfer to Mr. Walker is viewed as a direct reimbursement for his advancing the funds for the contributions, the transaction would, in our opinion, be a payment of corporate funds to the candidate, indirectly made through the employees. If the transfer to Mr. Walker is viewed as a loan, the transaction would, in our opinion, still be a violation of this section.

The statute specifically includes loans within the prohibition. The initial question is whether the prohibition extends only to direct loans to the candidate, or whether, as in this situation, indirect loans are also included. It is our opinion that the statutory terms direct and indirect modifies all types of transfers set forth in the definition. Indeed, in this situation, the testimony of the company indicates that the alleged loan was made at the direction of the President for the express purpose of making contributions to the candidate.

Finally, Mr. Weinsten testified that the corporation often makes no interest loans to its employees. (Deposition of M. Weinsten, p. 44.) This fact would not, however, exempt

the transfer from the coverage of the statute. The statute specifically exempts only those loans by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business. Quite plainly, the Winfield Manufacturing Company does not come within this exception.

2 U.S.C. §441f (18 U.S.C. §614) prohibits a person from making a contribution in the name of another. A corporation is included within the definition of person. 2 U.S.C. §431(h) It is our opinion that the person providing the funds, in this case Winfield Manufacturing Company, is the person making the contribution.

Although we were unaware of the nature of the business of Winfield Manufacturing Company at the time of the reason to believe recommendation, it has since come to our attention that the business of the corporation is almost exclusively with the Federal Government. During December of 1975 and January of 1976, the corporation was under contract with the Defense Personnel Support Center to produce army pants, and payments to the corporation were made by the Federal treasury. (Deposition of M. Weinsten, pp. 55-57.) 2 U.S.C. §441c (18 U.S.C. §611) prohibits a government contractor from making, either directly or indirectly, any contribution to any candidate or committee during the course of its contract with the Federal government. Since Winfield Manufacturing

was under contract with the Federal Government at the time of the transfer to Hugh Walker, it is our opinion that the facts would constitute a violation of 2 U.S.C. §441c (18 U.S.C. §611).

IV. Recommendation

In our opinion, the Commission may pursue one of two courses at this time. First, the Commission could make a reasonable cause to believe determination under 2 U.S.C. §437g(a)(5)(A) and enter into voluntary conciliation negotiations. A proposed conciliation agreement is attached. If the Commission chooses to follow this course, it may wish to make a determination that there is clear and convincing proof that a knowing and willful violation has occurred. If such a determination were made, the conciliation agreement could, under the provisions of 2 U.S.C. §437g(a)(6)(A), include a civil penalty not exceeding the greater of (i) $10,000; or (ii) an amount equal to 200 percent of the amount of any contribution involved in the violation.

Considerations supporting this course are: (1) if the Commission at a later date is involved in any court action concerning the repayment of funds from Governor Shapp, it may be to the Commission's advantage to have potential witnesses under conciliation agreements in which they have agreed to testify in any further Commission actions, rather than pending criminal investigations by the Justice

Department; (2) Although we consider the actions of the corporation serious, particularly in view of the larger picture, the actual amount of the allegedly illegal contribution is relatively small - $2,000.

The second course of action would be for the Commission to make a determination that there is a probable cause to believe that a knowing and willful violation as defined in §441j has occurred. Section 441j would be applicable since the contribution was in excess of $1,000 and a violation of §441f is alleged. Upon making such a determination, the Commission could refer such apparent violation to the Attorney General without regard to the voluntary conciliation requirement of §437g(a)(5)(A). A consideration supporting this course would be the Commission's determination that its civil sanctions were not adequate for the nature of the alleged violation.

William C. Oldaker
General Counsel

DATED: 4/12/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256
Winfield Manufacturing Co., Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 14, 1977, the Commission determined by a vote of 4-0 to find reasonable cause to believe that violations of 2 U.S.C. Section 437g(a)(5)(A) had been committed by the respondent in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler and Thomson. Commissioner Aikens abstained from voting. Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Went before Comm. 5/26/77

In the matter of)
) MUR 256-9(76)
Milton Weinsten)

GENERAL COUNSEL'S REPORT

I. Background:

On April 14, 1977, the Commission found reason to believe that Milton Weinsten had violated 2 U.S.C. §441b, in that he authorized the use of corporate funds to make contributions to the Shapp for President Committee.

II. Facts:

Hugh (Buddy) Walker, the plant manager of the Winfield facility in Winfield, Alabama, testified that on or about January 9, 1976, he received a telephone call from Milton Weinsten, Winfield's president and sole owner. Weinsten told Walker that he was interested in seeing Milton Shapp gain some support in Alabama, and asked him to talk with some of the key personnel in the plant about contributing to the Shapp Committee. Weinsten told Walker that he was "talking about" $2,000, and that people could contribute $250 per individual or $500 per couple. Weinsten also told Walker that if he (Walker) let the people have the money to contribute, that he (Walker) would get his money back. (Deposition of Walker, p.6). Walker talked with several other employees. Their general feeling was, that as long as it would cost them nothing, they would be happy to help. (Deposition of Walker, p.7).

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Walker then withdrew $2,000 from his personal savings account and directed his receptionist, Beverly Skinner, to deposit the money to various checking accounts, as follows: $500 to the account of Jerry and Ann Webster; $500 to the account of Thomas and Ella Mae Vaughan; $250 to the account of Carole Winslett; $250 to the account of James Byram; and $500 to his and his wife's account. Each of the parties then wrote checks payable to the Shapp Committee in an amount equal to the deposits that had been made to their accounts. (Deposition of Walker, p.7). The checks were forwarded to Shapp headquarters, where they were received on January 12, 1976. (Ledger page 82; deposit no. 804).

It was Walker's understanding that the money he expended would be repaid either by Weinsten or the Winfield Manufacturing Company. (Deposition of Walker, p.8). When he had not been repaid for several days, Walker called his supervisor, Bill Martin, who is the general manager for all Winfield plants. Walker told Martin that he had $2,000 invested in the Shapp Campaign and needed his money back. (Deposition of Walker, p.22). When Walker asked for a check, Martin told him that he would talk with Mr. Weinsten about the matter. (Deposition of Walker, p. 22).

Several days later, Walker received a check drawn on the Winfield Manufacturing Company account, in the amount $2,000. The check was dated January 16, 1976,

and was signed by Bill Martin. (Deposition of Walker, p. 10. Check attached as Exhibit 1 to deposition of Walker). It was Walker's understanding that the check was a reimbursement. (Deposition of Walker, p.11). It was only in December, 1976, that Walker was told by Bill Martin that $2,000 was being deducted from his annual bonus, at Mr. Weinsten's direction, "to cover the loan" that Weinsten had made to him on January 16. (Deposition of Walker, p. 12).

Milton Weinsten testified in deposition as follows: He was called by an old family friend, Eleanor Elias, who was working as a fund raiser for the Shapp Committee. Elias asked him if he could use his business contacts in Alabama to get some support for Shapp there. In response to this request, Weinsten called Hugh Walker and asked him to talk with some "higher echelon" workers at the plant to try to get them to contribute to the Shapp Campaign. (Deposition of M. Weinsten, pp 11-13). Weinsten testified that he did not specify a dollar amount in his conversation with Walker. (Deposition of Mr. Weinsten, p. 17). He did, however, tell Walker that if he or any of the people who wanted to contribute to Shapp did not have the cash, then the company would be amenable to loaning it to them. (Deposition of M. Weinsten, p.42).

A day or two later, Weinsten received a phone call from his general manager, Bill Martin. Martin told

Weinsten that Hugh Walker had come to him to ask for a loan. Weinsten approved a loan from company funds.

(Deposition of M. Weinsten, p.43). Weinsten understood that Walker had loaned money to other individuals and assumed that he had done so from the money that the company had loaned him. (Deposition of M. Weinsten, p.43).

Weinsten testified that it was not an uncommon practice to make loans to employees from company funds. Usually the company did not take a note or other written instrument. (Deposition of M. Weinsten, p.44). As President, Weinsten has authority to make the loans. (Deposition of M. Weinsten, p.62). Both Weinsten and Martin have the authority to sign company checks. (Deposition of M. Weinsten, p.9).

Samuel Elias, the Vice President and Accountant for Winfield Manufacturing (and husband of Eleanor Elias) testified in deposition that any loan made by the company should have been entered as such in the disbursement section of the company's ledger. The loan to Walker, however, was entered in the cash disbursements journal as a "factory expense." (Elias blames the inaccurate entry on the inexperience of Winfield's bookkeeper in Alabama). Elias testified that Mr. Weinsten informed him in early November, 1976, that the transaction was a loan and not an outright payment. (Deposition of S. Elias, pp. 27-29.).

III. Legal Analysis:

2 U.S.C. §441b prohibits an officer or director of any corporation from consenting to the use of corporate funds for the purpose of making a contribution in connection with a primary election held to select candidates for federal office.

2 U.S.C. §431(e)(1)(B) defines the term "contribution" as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the result of an election held for the expression of a preference for the nomination of persons for election to the office of President of the United States."

In view of that definition, it is immaterial whether the transfer of Winfield Manufacturing Company money to Hugh Walker was made as a loan or as an outright payment (i.e., reimbursement).

After the finding of reason to believe in this matter, the respondent was invited to provide the Commission with reasons why no action should be taken against it. To date, he has not done so.

IV. Recommendation:

We recommend that the Commission find reasonable cause to believe that a violation of 2 U.S.C. §441b has occurred, and that the respondent be informed of the finding.

DATE: 5/25/77

William C. Oldaker
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Winfield Manufacturing Co, Inc.	)	MUR 256 (76)
and Milton Weinsten	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 11, 1977, the Commission determined by a vote of 5-0 to approve the Conciliation Agreement in the above-named matter as submitted by the General Counsel that date, that the agreement contain a civil penalty of up to $10,000, but not less than $5,000 each to be paid by Winfield Manufacturing Co, Inc., and Milton Weinsten, that the format for the conciliation agreement be that proposed by the FEC Office of General Counsel, and that the provision by which respondents agree to take no adverse action against any employee on the basis of his/her cooperation with the Commission, be retained.

Voting for this action were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256 (76)
Winfield Manufacturing Co., Inc.,	)	
and Milton Weinsten	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Winfield Manufacturing Company, Inc. ("Winfield") violated 2 U.S.C. §§441b, 441c, and 441f, and the Commission believing that there is clear and convincing proof that a knowing and willful violation of 2 U.S.C. §§441b, 441c and 441f occurred, and the Commission having found reasonable cause to believe that respondent, Milton Weinsten, violated 2 U.S.C. §441b;

Now therefore, the respective parties herein, the Federal Election Commission and respondents Winfield and Milton Weinsten, having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondents Winfield and Milton Weinsten, and the subject matter of this preceeding.

II. That respondents Winfield and Milton Weinsten have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. In December of 1975 and January of 1976, respondent Winfield had a plant in Winfield, Alabama, and Winfield was a party to contracts with the Defense Personnel Support Center, such contract being for the furnishing of goods and the payment for such contract being made from funds appropriated by the Congress.

B. Milton Weinsten, President and 100% stockholder of Winfield, was contacted by Eleanor Elias who told him that she was a fundraiser for the Shapp for President Committee and asked him to raise several thousand dollars in contributions to the Shapp Committee for persons in the State of Alabama. Mr. Weinsten agreed to try to raise the funds.

C. Mr. Weinsten contacted Hugh Walker, manager of the Winfield plant in Winfield, Alabama, and told him that $2,000 in checks payable to the Shapp for President Committee were needed from supervisors at the plant and that each individual's check should be no more that $250. Mr. Weinsten told Mr. Walker that $2,000 in corporate funds would be loaned to Mr. Walker to be used for loans to employees who wrote checks to the Shapp for President Committee. In accordance with the customary practice

at Winfield when employees receive loans from the company, these loans were to be repaid by deducting the amount of the loan from the employee's normal, Christmas bonus.

D. Mr. Walker withdrew $2,000 from his personal account and on January 9, 1976, had $500 deposited in the account of Thomas Vaughn and his wife, Ella Mae, $250 in the account of James Byram, $250 in the account of Carole Winslett, $500 in the account of Jerry Webster and his wife Ann, and $500 in the account of Mr. Walker and his wife. On January 9, 1976 Mr. Walker collected checks payable to the Shapp for President Committee from Jerry and Ella Mae Vaughn in the amount of $500, from James Byram in the amount of $250, from Carole Winslett in the amount of $250, and from Jerry and Ann Webster in the amount of $500. Mr. Walker wrote a check payable to the Shapp for President Committee in the amount of $500; this check was drawn on Mr. and Mrs. Walker's personal account. The checks were forwarded to the Shapp for President Committee in care of Eleanor Elias.

E. On January 16, 1976, Bill Martin, general manager of Winfield, called Milton Weinsten to ask his approval to draw a check in the amount of $2,000 from the account of Winfield, in the Citizens Bank of Winfield, Alabama, payable to Hugh Walker. The purpose of this transfer to Mr. Walker was to loan him the money for his and his wife's check to the Shapp for President Committee, and for the money he had loaned for the checks of Thomas Vaughn and his wife, James Byram, Carole Winslett, and

Jerry Webster and his wife. The $2,000 transfer of funds was inadvertently entered in the books of Winfield as a factory expense. The books of Winfield have been corrected to reflect that this transaction was a loan.

F. Unknown to Mr. Weinsten, on or around January 14, 1976, Samuel Elias, Vice President of Winfield, and his wife, Eleanor Elias, contacted persons including Hugh Walker at the Winfield Alabama plant and asked them to obtain letters to the Shapp for President Committee from five employees stating that they were making a $100 contribution to the Shapp for President Committee. The employees would not be required to provide any money to accompany the letters. As a result of the Commission investigation, Mr. Weinsten has learned that Hugh Walker asked Jewel Lawrence, Bonnie Ganey, Mary Berryhill, Joe Earnest, and Beverly Skinner, all employees of the Winfield, Alabama, plant to sign letters to the Shapp for President Committee stating that they were making a $100 contribution to the Committee. Neither the employees nor Mr. Walker provided any money to accompany the letters, and they were delivered to the Shapp for President Committee in care of Eleanor Elias.

Wherefore, respondents Winfield and Milton Weinsten agree, based upon the understanding of the election laws they have gained since the Commission investigation began, that:

I. The use of corporate funds for the contributions of Thomas and Ella Mae Vaughn, James Byram, Carole Winslett, Jerry

and Ann Webster, and Hugh and Nella Walker constitute a contribution within the meaning of 2 U.S.C. §441b, and its predecessor 18 U.S.C. §610. As such, the use of corporate funds to reimburse the individuals for contributions is in violation of 2 U.S.C. §441b and its predecessor 18 U.S.C. §610.

II. The use of corporate funds for the contributions of Thomas and Ella Mae Vaughn, James Byram, Carole Winslett, Jerry and Ann Webster, and Hugh and Nella Walker constitute a contribution within the meaning of 2 U.S.C. §441c, and its predecessor 18 U.S.C. §611. As such, the use of corporate funds to reimburse the above-named individuals for contributions is in violation of 2 U.S.C. §441c and its predecessor 18 U.S.C. §611.

III. The use of corporate funds for the contributions made in the name of Thomas and Ella Mae Vaughn, James Byram, Carole Winslett, Jerry and Ann Webster, and Hugh and Nella Walker constitute the making of a contribution in the name of another within the meaning of 2 U.S.C. §441f and its predecessor, 18 U.S.C. §614. As such, the use of corporate funds in reimbursing such individuals is in violation of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614.

IV. Respondents Winfield and Milton Weinsten will pay a civil penalty in the aggregate amount of $6,000, pursuant to 2 U.S.C. §437g(a)(6)(A).

V. Respondents Winfield and Milton Weinsten agree that the company will take no adverse action or discriminate against

any employee of Winfield on the basis of that employee's cooperation with the Federal Election Commission in the matters at issue herein. Further, Winfield and Milton Weinsten agree that if any former employees apply for reemployment with the company, the company will not discriminate against such employee on the basis of that person's cooperation with the Federal Election Commission.

VI. Respondents Winfield and Milton Weinsten agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

VII. Respondents Winfield and Milton Weinsten agree that they will urge all officers and employees of the company to testify before any Commission proceeding or other proceeding at which the matters at issue herein are relevant.

GENERAL CONDITIONS

I. 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 appropriate United States District Court.

II. It is mutually agreed that this Agreement shall become effective as of the date that all parties hereto have executed

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same and the Federal Election Commission has approved the entire agreement.

III. It is agreed that respondents Winfield and Milton Weinsten shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement, and to so notify the Commission.

IV. It is mutually agreed that this conciliation agreement has been entered for the sole purpose of obtaining voluntary compliance with the federal election law, and may not be used against Winfield or Milton Weinsten, or be considered by any court or administrative agency, except in an action brought by the Commission upon violation of this agreement.

V. The Commission agrees that it shall recommend against subsequent action, whether civil or criminal, against the respondents, except for any action brought pursuant to Section I.

DATE	Milton Weinsten Pres WINFIELD MANUFACTURING COMPANY
DATE	Milton Weinsten MILTON WEINSTEN
DATE	FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Winfield Manufacturing Co. Inc.	)	MUR 256 (76)
and Milton Weinsten	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 20, 1977, the Commission determined by a vote of 5-0 to find Probable Cause to Believe that the respondents have violated 2 U.S.C. Sections 441b, 441c, and 441f in the above-captioned matter and to institute civil suit in this matter.

Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson, and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION
October , 1977

In the Matter of	)	
	)	
	)	MUR 256(76)
	)	
	)	
Winfield Manufacturing Co. Inc., and Milton Weinsten	)	

GENERAL COUNSEL'S REPORT

Negotiations with regard to a conciliation agreement have reached an impasse and respondents have written to the Commission setting out their position. A copy of their September 20, 1977 letter is attached.

I. BACKGROUND:

The Commission's investigation of this matter began on the basis of information ascertained in the normal course of carrying out its supervisory respondibilities. Specifically, the Commission reviewed the submission for matching funds by the Shapp for President Committee and found that Milton Weinsten and the company he owns, Winfield Manufacturing Company (hereinafter "Winfield"), a government contracting firm which manufactures primarily army uniforms, violated: (1) 2 U.S.C. §441b in that corporate funds were used to make contributions to the Shapp for President Committee; (2) 2 U.S.C. §441c in that a government contracting firm, Winfield, made contributions to the Shapp Committee; and (3) 2 U.S.C. §441f in that various

employees of Winfield knowingly permitted their names to be used to effect contributions to the Shapp Committee.

On October 19, 1976, the Commission found Reason to Believe that Winfield violated 2 U.S.C. §441b "and/or" §441f. On April 14, 1977, the Commission found Reason to Believe that Milton Weinsten violated 2 U.S.C. §441b by authorizing the use of corporate funds for contributions to the Shapp Committee.

Also on April 14, 1977, the Commission found Reasonable Cause to Believe against Winfield for violating §441b "and/or" §441f, and on May 26, 1977, it found Reasonable Cause to Believe against Weinsten for his violation of 2 U.S.C. §441b. Since then, Weinsten and Winfield have been treated together for purposes of conciliation.

II. FACTS:

The facts of this case, which consist of two series of incidents, have been detailed in the General Counsel's reports of April 12, and May 25, 1977. In addition to Weinsten himself, the principal individuals involved are: Eleanor Elias, a principal fundraiser for the Shapp campaign; Samuel Elias, Eleanor Elias' husband and a vice-president of Winfield (the Eliases are personal friends of the Weinstens), Hugh Walker, plant manager for Winfield in Winfield, Alabama; Bill Martin,

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general manager for all four Winfield plants; and various employees of the Winfield plant in Alabama. All were deposed by the Commission and records were obtained.

The first incident involves contributions of Winfield funds to the Shapp Committee in the name of various employees. The transfer of money began when Eleanor Elias, through her husband, Samuel, contacted Milton Weinsten to ask if he could obtain support for Shapp in Alabama. Weinsten then called Walker and told him he wanted to get some key Winfield employees to contribute to Shapp. Weinsten also told Walker that if he (Walker) would let the people have the money to contribute, that he (Walker) would get his money back. Walker talked with several other employees. Their general feeling was, that as long as it would cost them nothing, they would be happy to help.

Walker then withdrew $2,000 from his personal savings account and directed his receptionist to deposit the money into the checking accounts of four employees and their wives, and into his and his wife's own checking account. Each of the parties then wrote checks payable to the Shapp Committee in an amount equal to the deposits that had been made into their accounts. The checks were forwarded to the Shapp Headquarters where they were received on January 12, 1976.

It was Walker's understanding that the money he expended would be repaid either by Weinsten or Winfield. When he had not been repaid for several days, Walker called Bill Martin and told him that he had $2,000 invested in the Shapp campaign

and needed his money back. When Walker asked for a check, Martin told him that he would talk with Weinsten about the matter.

Several days later, Walker received a check drawn on the Winfield account in the amount of $2,000. The check was dated January 16, 1976, and was signed by Bill Martin. It was Walker's understanding that the check was a reimbursement. It was only in December 1976, that Walker was told by Bill Martin that $2,000 was being deducted from his annual bonus, at Mr. Weinsten's direction, "to cover the loan" that Weinsten had made to him on January 16, 1976.

Weinsten agrees that he instigated the transaction in making the call to Walker, but he insists the $2,000 was a loan from the very beginning.[2/]

The second incident was essentially as follows: Hugh Walker testified that some time on or around January 12, 1976, Eleanor Elias contacted him to say she needed five letters, each saying that the signer was making a contribution of $100. The people were not to send money this time, because Mrs. Elias

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[2/] Weinsten, to justify his position that the transfer was a loan, claims it was not an uncommon practice to make loans to employees from company funds. Weinsten admitted that usually no notes were taken. Weinsten, as President, had the authority to make such loans. Samuel Elias testified that there were five or six cases during the previous two years in which loans were authorized to cover relocation expenses. Some of them were indicated on the books as "loan receivables", others were entered in a "general column", and there were a number of incorrect entries. The loan to Hugh Walker was entered incorrectly in the cash disbursements journal as a "Factory expense", and Elias blamed the inaccurate entry on the inexperience of Winfield's bookeeper saying, "Carole Stovall is an inexpert bookeeper." However, Ms. Stovall testified that she has been the bookeeper for 3 of the 4 Winfield plants since 1961.

would take care of that. Mr. Walker explained this plan to five employees who agreed to the idea and signed the letters. These letters were then mailed to the Shapp for President Committee in care of Eleanor Elias.

III. ATTEMPTS AT CONCILIATION:

On April 20, 1977, the Commission sent a proposed conciliation agreement to respondents' attorneys, Jones, Day, Reavis, and Pogue. The proposal was unacceptable and on May 5th, they met with the General Counsel and a staff attorney to discuss changes. On May 9th, the Commission received copies of a proposed agreement acceptable to the respondents. The Commission reviewed the proposal on May 11th and concluded that the format of the agreement, the clause concerning disciplinary action against employees, and the civil penalty, were problem areas. These were outlined in an explanatory letter sent to respondents' attorneys on May 12th. On May 20th, the General Counsel and a staff attorney met again with respondents' attorneys and on May 31st, they sent us another proposed agreement. The Commission voted on June 15th to approve a civil penalty of $5,000 each as to Winfield and Weinsten, and not to accept respondents' characterization of the transfer of corporate funds as a loan to Hugh Walker.

On August 24th, we wrote to respondents' attorneys advising them that there were a number of items in their proposal which departed from our view of what an agreement should contain. In particular, we cited the use of the term

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"loan" and the amount of the civil penalty. A meeting between respondents' attorneys and our staff attorney followed on September 15th, at which time, we informed them that the Commission found respondents' version unacceptable. Discussion focused primarily on one aspect of the agreement -- the characterization of the funds transfer to Walker as merely a transfer, i.e., not as a loan. In this regard, respondents requested the opportunity to present their position to the Commission by way of live testimony and argument. While they hinted they would accept the Commission's proposal as to a fine, they would not agree to abandon the "loan" theory. We suggested that they communicate their views in writing and the letter of September 20th, does so.

The Commission is not an adjudicatory, but an investigatory agency. Buckely v. Valeo, 424 U.S. 1, 137-8. The recitation of facts surrounding a violation which are set out in conciliation agreements with the Commission does not alter the Commission's status as an investigatory agency. The Commission's enforcement powers consist of investigation, voluntary conciliation, and, if necessary, filing suit, as set forth in 2 U.S.C. §437g. Respondents have ample opportunity to raise their procedural objections in a civil action. "A lawsuit is the ultimate remedy for a breach of the law." Buckley, supra, 424 U.S. at p. 138. For these reasons, we think the Commission should not grant respondents the privilege of appearing.

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IV. LEGAL ANALYSIS

2 U.S.C. §441b prohibits an officer or director of any corporation from consenting to the use of corporate funds for the purpose of making a contribution in connection with a primary election held to select a candidate for Federal office.

2 U.S.C. §441f prohibits anyone from making a contribution in the name of another or to knowingly permit his or her name to be used to effect such a contribution.

2 U.S.C. §441c prohibits the use of government contracting firm funds to make a political contribution.

2 U.S.C. §431(e)(1)(B) defines the term "contribution" as a "gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of influencing the result of an election held for the expression of a preference for the nomination of persons for election to the office of President of the United States."

V. RECOMMENDATION

Since conciliation has clearly proceeded for at least thirty days, we recommend finding Probable Cause to Believe that respondents have violated 2 U.S.C. §§441b, 441c, and 441f, and inform respondents of those findings.

WILLIAM C. OLDAKER,
General Counsel

DATED: 10/6/77

Attachment a/s

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Daniel H. Moss	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Daniel H. Moss, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Moss having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Daniel H. Moss and the subject matter of this proceeding.

II. That respondent Moss has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Daniel H. Moss)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 26, 1977, the Commission determined by a vote of 4-0 to approve the proposed conciliation agreement submitted by the staff in the above-captioned matter. Voting for this determination were Commissioners Harris, Springer, Staebler, and Thomson; Commissioner Aikens abstained from voting; Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

A. Respondent Moss resides in Atlanta, Georgia. He is employed by Norstan Industries in that city as general manager.

B. In early or mid January, 1976, Stanley Siegel asked the respondent Moss to write a personal check in the amount of two hundred fifty (250) dollars payable to the Shapp for President Committee. As part of his request Stanley Siegel promised the respondent Moss that he would provide funds to him in the amount of his check.

C. Respondent Moss wrote a personal check for two hundred fifty (250) dollars, dated January 15, 1976, payable to Shapp for President.

D. Either at the time respondent Moss wrote the check to Shapp for President, or shortly thereafter, Stanley Siegel reimbursed him the full amount of his check to the Shapp for President Committee.

Wherefore, respondent Moss agrees:

I. Respondent Moss' actions constituted his knowing permission for the use of his name to effect a contribution made by Stanley Siegel in the respondent's name in violation of 2 U.S.C. §441f, and its predecessor, 18 U.S.C. §614.

II. Respondent Moss will voluntarily testify before any Commission proceeding or before any other proceeding in which the matters at issue herein are relevant.

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III. Respondent Moss will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Moss will pay a civil penalty in the amount of one hundred (100) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executive same and the Commission has approved the entire agreement.

III. It is agreed that respondent Moss shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained herein, and to so notify the Commission.

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IV. The Commission agrees that it shall recommend against subsequent action, whether civil or criminal, against the respondent, except for any action brought pursuant to Section I.

DATE: 5-16-77

Daniel Moss

DATE: 5/25/77

William C. Oldaker
General Counsel
Federal Election Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Daniel Moss)

MUR 256-4 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-4 (76)
	)	
Daniel Moss	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of Norstan Industries of Atlanta, Georgia.

In a deposition dated February 14, 1971, Stanley Siegel, the Secretary-Treasurer and part owner of Norstan, testified that in January, 1976, he requested the respondent to write a check for $250 to the Shapp Committee. Siegel told the respondent that he would repay him the amount of the check.

The respondent wrote a personal check for $250 payable to the Shapp Committee, dated January 15, 1976, and was reimbursed the amount of the check by Stanley Siegel. Siegel then caused the check to be forwarded to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614, in that he knowingly permitted his name to be used to effect a contribution ade by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/4/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Charles Martel)

MUR 256 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 13, 1978, at an Executive Session of the Federal Election Commission at which a quorum was present, the Commission determined by a vote of 4-0 to adopt the recommendation of the General Counsel to take no further action and to close the file in the above-captioned matter.

Voting for this determination were Commissioners Harris, Springer, Staebler, and Tiernan. Commissioner Thomson was not present at the time of the vote; Commissioner Aikens recused herself in this matter.

Accordingly, the file has been closed.

Marjorie W. Emmons

Date: April 14, 1978

Marjorie W. Emmons
Secretary to the Commission

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EXECUTIVE SESSION
April 6, 1978

BEFORE THE FEDERAL ELECTION COMMISSION
March 28, 1978

In the Matter of	)	
	)	MUR 256 (76)
Charles Martel	)	

GENERAL COUNSEL'S REPORT

I Background

On April 21, 1977, the Commission found Reason to Believe and on May 5, 1977, Reasonable Cause to Believe that Charles Martel, an employee of Norstan Industries in Atlanta, Georgia, violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that he knowingly permitted Stanley Siegel, the Secretary-Treasurer and part owner of Norstan, to use his name in effecting a contribution to the Shapp for President Committee. The details of this matter are set forth in the General Counsel's Report of May 4, 1977. In checking our files, there is no indication that either a Reason to Believe or Reasonable Cause to Believe notification was sent.

II Recommendation

In May of 1977, Charles Martel died. In view of this fact, we recommend the Commission take no further action and close the file.

3/29/78
Date

William C. Oldaker
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-4 (76)
	)	
Charles Martel	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of Norstan Industries of Atlanta, Georgia.

In a deposition dated February 14, 1977, Stanley Siegel, the Secretary-Treasurer and part owner of Norstan, testified that on or about January 19, 1976, he asked the respondent to sign a form stating that he (the respondent) was sending $100 to the Shapp for President Committee. The respondent signed the form but did not provide any personal funds to accompany it. The $100 was provided by Stanley Siegel, who then caused the form and the money to be forwarded to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that respondent had violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that he had knowingly permitted another person to use his name in effecting a contribution.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256-4 (76)
Charles M. Smith)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-4 (76)
	)	
Charles M. Smith	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of Norstan Industries of Atlanta, Georgia.

In a deposition dated February 14, 1977, Stanley Siegel, the Secretary-Treasurer and part owner of Norstan, testified that on or about January 19, 1976, he asked the respondent to sign a form stating that he (the respondent) was sending $100 to the Shapp for President Committee. The respondent signed the form but did not provide any personal funds to accompany it. The $100 was provided by Stanley Siegel, who then caused the form and the money to be forwarded to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that respondent had violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that he had knowingly permitted another person to use his name in effecting a contribution.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/2/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256-1 (76)
Charles M. Smith)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 12, 1977, the Commission determined by a vote of 4-0 to approve the proposed Conciliation Agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Voting for this action were Commissioners Harris, Springer, Staebler, and Thomson. Commissioner Aikens abstained from voting. Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Charles M. Smith	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Charles M. Smith, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Smith having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Charles M. Smith and the subject matter of this proceeding.

II. That respondent Smith has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Smith is a resident of Dunwoodye, Georgia. He is employed by Norstan Industries in Atlanta, Georgia, as Data Processing Manager.

B. On or about January 16, 1976, Stanley Siegel, the Secretary-Treasurer of Norstan Industries asked respondent Smith to sign an acknowledgement form which indicated that the respondent was making a contribution of one hundred (100) dollars to the Shapp for President Committee. Respondent Smith signed the acknowledgement form.

C. Respondent Smith was not asked to provide any funds to accompany the acknowledgement form, and has not contributed any of his personal funds to the Shapp for President Committee. The money which accompanied the respondent's acknowledgement form was, in fact, provided by Stanley Siegel. On an undetermined subsequent date, the respondent received a receipt and a thank you letter from the Committee.

Wherefore, respondent Smith agrees:

I. Respondent Smith's actions in signing an acknowledgement to the Shapp for President Committee stating that he was making a $100 contribution when he did not provide any of his personal funds constituted knowing permission to use his name to effect a contribution made by another

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person in his name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Smith's actions in signing the letter is in violation of 2 U.S.C. §441f/ 18 U.S.C. §614.

II. Respondent Smith agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Smith agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Smith will pay a civil penalty in the amount of fifty (50) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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III. It is agreed that respondent Smith shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained herein, and to so notify the Commission.

IV. The Commission agrees that it shall recommend against subsequent action, whether civil or criminal, against respondent, except for any action brought pursuant to Section I.

DATE: 5-11-77

Charles M. Smith

5/12/77
Date

William C. Oldaker
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Marvin Find)

MUR 256-4 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION
May 4, 1977

In the Matter of	)	MUR 256-4 (76)
	)	
Marvin Fine	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of Norstan Industries of Atlanta, Georgia.

In a deposition dated February 14, 1977, Stanley Siegel, the Secretary-Treasurer and part owner of Norstan, testified that on or about January 19, 1976, he asked the respondent to sign a form stating that he (the respondent) was sending $100 to the Shapp for President Committee. The respondent signed the form but did not provide any personal funds to accompany it. The $100 was provided by Stanley Siegel, who then caused the form and the money to be forwarded to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that respondent had violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that he had knowingly permitted another person to use his name in effecting a contribution.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Marvin Fine	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Marvin Fine, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Fine having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Marvin Fine and the subject matter of this proceeding.

II. That respondent Fine has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

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A. Respondent Fine resides in Atlanta, Georgia. He is employed by Norstan Industries in that City as a production manager.

B. On or about January 16, 1976, Stanley Siegel, the Secretary-Treasurer of Norstan Industries asked respondent Fine to sign an acknowledgement form which indicated that the respondent was making a contribution of one hundred (100) dollars to the Shapp for President Committee. Respondent Fine signed the acknowledgement form.

C. Respondent Fine was not asked to provide any funds to accompany the acknowledgement form, and has not contributed any of his personal funds to the Shapp for President Committee. The money which accompanied the respondent's acknowlegement form was, in fact, provided by Stanley Siegel. On an undertermined subsequent date, the respondent received a receipt and a thank you letter from the Committee.

Wherefore, respondent Fine agrees:

I. Respondent Fine's actions in signing an acknowledgement to the Shapp for President Committee stating that he was making a $100 contribution when he did not provide any of his personal funds constituted knowing permission to use his name to effect a contribution made by another

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person in his name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Fine's actions in signing the letter is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondent Fine agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Fine agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Fine will pay a civil penalty in the amount of fifty (50) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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III. It is agreed that respondent Fine shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained herein, and to so notify the Commission.

IV. The Commission agrees that it shall recommend against subsequent action, whether civil or criminal, against the respondent, except for any action brought pursuant to Section I.

5-13-77
DATE

Marvin Fine
MARVIN FINE

5/26/77
DATE

William C. Oldaker
General Counsel
Federal Election Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Stanley Kameron)

MUR 256-4 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-4 (76)
	)	
Stanley Kameron	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of Norstan Industries of Atlanta, Georgia.

In a deposition dated February 14, 1977, Stanley Siegel, the Secretary-Treasurer and part owner of Norstan, testified that on or about January 19, 1976, he asked the respondent to sign a form stating that he (the respondent) was sending $100 to the Shapp for President Committee. The respondent signed the form but did not provide any personal funds to accompany it. The $100 was provided by Stanley Siegel, who then caused the form and the money to be forwarded to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that respondent had violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that he had knowingly permitted another person to use his name in effecting a contribution.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/4/77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Stanley Kameron)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 12, 1977, the Commission determined by a vote of 4-0 to approve the proposed Conciliation Agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Voting for this action were Commissioners Harris, Staebler, Springer, and Thomson. Commissioner Aikens abstained from voting. Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Stanley Kameron	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Stanley Kameron, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Kameron having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Stanley Kameron and the subject matter of this proceeding.

II. That respondent Kameron has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

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A. Respondent Kameron is a resident of Marietta, Georgia. He is employed by Norstan Industries in Atlanta, Georgia, where is is Comptroller and Executive Assistant to the Secretary-Treasurer.

B. On or about January 16, 1976, Stanley Siegel, the Secretary-Treasurer of Norstan Industries asked respondent Kameron to sign an acknowledgement form which indicated that the respondent was making a contribution of one hundred (100) dollars to the Shapp for President Committee. Respondent Kameron signed the acknowledgement form.

C. Respondent Kameron was not asked to provide any funds to accompany the acknowledgement form, and has not contributed any of his personal funds to the Shapp for President Committee. The money which accompanied the respondent's acknowledgement form was, in fact, provided by Stanley Siegel. On an undetermined subsequent date, the respondent received a receipt and a thank you letter from the Committee. On or about January 16, 1976, at the request of Stanley Siegel, the respondent Kameron personally delivered an envelope to a previously un-known male at an arranged location at the Atlanta airport. ~~Shapp Committee [illegible] containing the [illegible] money and the personal [illegible]~~

[illegible]

Wherefore, respondent Kameron agrees:

I. Respondent Kameron's actions in signing an acknowledgement to the Shapp for President Committee stating that he was making a $100 contribution when he did not provide any of his personal funds constituted knowing permission to use his name to effect a contribution made by another person in his name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Kameron's actions in signing the letter is in violation of 2 U.S.C. §441f/ 18 U.S.C. §614.

II. Respondent Kameron agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Kameron agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Kameron will pay a civil penalty in the amount of fifty (50) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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

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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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Kameron shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained herein, and to so notify the Commission.

IV. The Commission agrees that it shall recommend against subsequent action, whether civil or criminal, against the respondent, except for any action brought pursuant to Section I.

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DATE: 5-11-77

Stanley Kameron

Stanley Kameron

5/12/77
Date

William C. Oldaker
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Nysia Lanier)

MUR 256-4 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

May 4, 1977

In the Matter of	)	MUR 256-4 (76)
	)	
Nysia Lanier	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of Norstan Industries of Atlanta, Georgia.

In a deposition dated February 14, 1971, Stanley Siegel, the Secretary-Treasurer and part owner of Norstan, testified that in January, 1976, he requested the respondent to write a check for $250 to the Shapp Committee. Siegel told the respondent that he would repay her the amount of the check.

The respondent wrote a personal check for $250 payable to the Shapp Committee, dated January 14, 1976, and was reimbursed the amount of the check by Stanley Siegel. Siegel then caused the check to be forwarded to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that the respondent had violated 2 U.S.C. §441f, and its predecessor 18 U.S.C. §614, in that he knowingly permitted his name to be used to effect a contribution ade by another person.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/4/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Nysia Lanier)

MUR 256-1 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 12, 1977, the Commission determined by a vote of 4-0 to approve the proposed Conciliation Agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Voting for this action were Commissioners Harris, Springer, Staebler, and Thomson. Commissioner Aikens abstained from voting. Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Nysia Lanier	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Nysia Lanier, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent ~~Smith~~ LANIER having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Nysia Lanier and the subject matter of this proceeding.

II. That respondent Lanier has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. Respondent Lanier resides in Marietta, Georgia. She is employed by Norstan Industries in Atlanta, Georgia, as executive secretary to Stanley Siegel, the Secretary-Treasurer of Norstan.

B. In early or mid January, 1976, Stanley Siegel asked the respondent Lanier to write a personal check in the amount of two hundred fifty (250) dollars payable to the Shapp for President Committee. As part of his request Stanley Siegel promised the respondent Lanier that he would provide funds to her in the amount of her check.

C. Respondent Lanier wrote a personal check for $250 dated January 14, 1976, payable to the Shapp for President.

D. Either at the time respondent Lanier wrote the check to Shapp for President, or shortly thereafter, Stanley Siegel reimbursed her the full amount of her check to the Shapp for President Committee.

Wherefore, respondent Lanier agrees:

I. Respondent Lanier's actions constituted her knowing permission for the use of her name to effect a contribution made by Stanley Siegel in the respondent's name in violation of 2 U.S.C. §441f, and its predecessor, 18 U.S.C. §614.

II. Respondent Lanier will voluntarily testify before any Commission proceeding or before any other proceeding in which the matters at issue herein are relevant.

III. Respondent Lanier will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Lanier will pay a civil penalty in the amount of one hundred (100) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Lanier shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained herein, and to so notify the Commission.

IV. The Commission agrees that it shall recommend against subsequent action, whether civil or criminal, against the respondent, except for any action brought pursuant to Section I.

DATE: 5/11/77

Nysia Lanier

5/12/77
Date

William C. Oldaker
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) 256-4 (76)
Richard D. Rudolph)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 5, 1977, the Commission determined by a vote of 5-0 to find reasonable cause to believe that a violation of 2 U.S.C. §441f/18 U.S.C. §614 had been committed in the above-captioned matter. Voting for this finding were Commissioners Harris, Springer, Staebler, Thomson and Tiernan. Commissioner Aikens abstained from voting.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION
May 4, 1977

In the Matter of	)	MUR 256-4 (76)
	)	
Richard D. Rudolph	)	

GENERAL COUNSEL'S REPORT

I. Background

Information obtained during routine audits of the Shapp for President Committee indicated that certain illegal contributions may have been made to the Committee by employees of Norstan Industries of Atlanta, Georgia.

In a deposition dated February 14, 1977, Stanley Siegel, the Secretary-Treasurer and part owner of Norstan, testified that on or about January 19, 1976, he asked the respondent to sign a form stating that he (the respondent) was sending $100 to the Shapp for President Committee. The respondent signed the form but did not provide any personal funds to accompany it. The $100 was provided by Stanley Siegel, who then caused the form and the money to be forwarded to Shapp headquarters.

On April 21, 1977, the Commission found reason to believe that respondent had violated 2 U.S.C. §441f/ 18 U.S.C. §614, in that he had knowingly permitted another person to use his name in effecting a contribution.

II. Recommendation

Find reasonable cause to believe that respondent's actions constituted a violation of 2 U.S.C. §441f/ 18 U.S.C. §614. Send the attached letter to respondent.

William C. Oldaker
General Counsel

DATE: 5/3/77

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256-1 (76)
Richard D. Rudolph)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 12, 1977, the Commission determined by a vote of 4-0 to approve the proposed Conciliation Agreement submitted by the FEC Office of the General Counsel in the above-captioned matter.

Voting for this action were Commissioners Harris, Springer, Staebler, and Thomson. Commissioner Aikens abstained from voting. Commissioner Tiernan was not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Richard D. Rudolph	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Richard D. Rudolph, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Rudolph having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Richard D. Rudolph and the subject matter of this proceeding.

II. That respondent Rudolph has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

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A. Respondent Rudolph resides in Marietta, Georgia. He is employed by Norstan Industries in Atlanta, Georgia as a controls manager.

B. On or about January 16, 1976, Stanley Siegel, the Secretary-Treasurer of Norstan Industries asked respondent Rudolph to sign an acknowledgement form which indicated that the respondent was making a contribution of one hundred (100) dollars to the Shapp for President Committee. Respondent Rudolph signed the acknowledgement form.

C. Respondent Rudolph was not asked to provide any funds to accompany the acknowledgement form, and has not contributed any of his personal funds to the Shapp for President Committee. The money which accompanied the respondent's acknowledgement form was, in fact, provided by Stanley Siegel. [redacted]

Wherefore, respondent Rudolph agrees:

I. Respondent Rudolph's actions in signing an acknowledgement to the Shapp for President Committee stating that he was making a $100 contribution when he did not provide any of his personal funds constituted knowing persmission

to use his name to effect a contribution made by another person in his name within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent Rudolph's actions in signing the letter is in violation of 2 U.S.C. §441f/ 18 U.S.C. §614.

II. Respondent Rudolph agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

III. Respondent Rudolph agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Rudolph will pay a civil penalty in the amount of fifty (50) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respendent Rudolph shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained herein, and to so notify the Commission.

IV. The Commission agrees that it shall recommend against subsequent action, whether civil or criminal, against the respondent, except for any action brought pursuant to Section I.

R. D. Rudolph
RICHARD D. RUDOLPH

5-11-77
DATE

5/12/77
Date

William C. Oldaker
William C. Oldaker
General Counsel

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Georgia Hershman

DATE AND TIME OF TRANSMITTAL: FEB 10 1977 9:00 NO. 256 REC'D:

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Internally Generated

Respondent's Name: Stanley Siegel; Norstan Industries, Inc.

Relevant Statute: 2 U.S.C. 441b; 441f

Internal Reports Checked: Matching Fund Submissions of Shapp for President

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

The allegation is that Stanley Siegel, Secretary/Treasurer of Norstan Industries, Inc. in Altanta, Georgia, contacted at least seven employees about making contributions to the Shapp for President Committee. These seven employees have been interviewed by members of the Commission staff. Of this group, three employees related that they were asked to sign letters stating they were making $100 cash contributions to the Shapp for President Committee

(continued -P.2)

PRELIMINARY LEGAL ANALYSIS

2 U.S.C. 441f (and its predecessor 18 U.S.C. 614) prohibit a person from making a contribution in the name of another person. Mr. Siegel's reimbursement for any contribution to the Shapp for President Committee would be a violation of this section. In addition, if the source of the funds were the corporate treasury, there would be a violation of 2 U.S.C. 441b. However, it should be noted that in other investigations it appears that the funds for the $100 cash contributor letters may have been provided by persons associat

(continued - P.2)

RECOMMENDATION

1) A reason to believe finding that Stanley Siegel violated 2 U.S.C. 44 and that Norstan Industries, Inc. and Stanley Siegel have violated 2 U.S.C. 4

SUMMARY OF ALLEGATION CONINUTED

Two of these employees were asked to sign the letters by Stanley Siegel, and the third did not recall who asked him to sign the letter. These employees did not contribute any of their personal funds and did not see any cash which accompanyed their letters. One other employee stated that Mr. Siegel reimbursed him for this $250 contribution. Three other employees stated that their contributions were from their personal funds. Attached is a list of the employees and their purported contributions.

PRELIMINARY LEGAL ANALYSIS CONTINUED

with the Shapp for President Committee.

Even if the source of the funds was not the corporation, it is our opinion that a corporate violation may still exist. The definition of contribution or expenditure includes "anything of value" given to any candidate or campaign committee. Under Title 26, a contribution must be made by a written instrument which identifies the person making the contribution by full name and mailing address. 26 U.S.C. 9034(a). Since a contribution will not be considered part of the threshold submission or matchable without the written instrument, the written instrument is of value in and of itself and is the document which established the matchability to a contribution. In this case, the letters obtained by Mr. Siegel were part of the Shapp threshold submission and were matched. Under these circumstances the term anything of value should be read to include Mr. Siegel's act of obtaining the contributor letters.

Since Section 441b prohibits a corporate officer from consenting to the making of a contribution or expenditure, the actions of Mr. Siegel, who is a corporate officer, would constitute a corporate contribution or expenditure in violation of 2 U.S.C. 441b.

A further violation of 441b is evident from the fact that the employees state that they were solicited to make contributions to a particular Federal candidate and were assisted in making these contributions by a corporate officer. Although a corporation may communicate with its executive or administrative personnel (all but one of these employees would appear to come within this designation) on any subject, this right does not extend to the corporation the right to facilitate the making of contributions to a particular candidate. Assisting or facilitating the making of contributions is a step beyond speech, and the statute provides only for the facilitating of contributions to the corporation's separate segregated fund. See Explanation and Justification of Part 114, Page 5.

In this situation, Mr. Siegel requested employees to sign contributor letters and had an employee of the corporation deliver the employee letters, along with several $250 contribution checks, to a representative of the Shapp Committee at the Atlanta airport. Such activities are beyond the permissible limits of the communication exemption and should, therefore, be viewed as a corporate contribution or expenditure.

RECOMMENDATION CONTINUED

2) Authorize the issuance of subpoenas requiring Stanley Siegel, Morrie Siegel, Daniel M. Moss, Stanley Kameron, Charles M. Martel, Charles M. Smith, Marvin Fine, Richard D. Rudolph, and Nysia Lanier to appear for deposition and to produce documents relating to their contributions to the Shapp for President Committee.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256 (76)
Stanley Siegel; Norstan Industries, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 11, 1977, the Commission adopted the recommendation of the General Counsel to find Reason to Believe that a violation of 2 U.S.C. §§441b and 441f had been committed in the above-captioned matter.

Marjorie W Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 256-4
Stanley Siegel/Norstan Industries, Inc.)

GENERAL COUNSEL'S REPORT

I. Summary of Previous Commission Action

The Commission on February 11, 1977, made a reason to believe finding that Stanley Siegel, Secretary/Treasurer of Norstan Industries, Inc., and Norstan Industries may have violated 2 U.S.C. 441b and 441f.

II. Evidence

Stanley Siegel voluntarily appeared for deposition and provided the following information:

A. Siegel was contacted several times in December of 1975 and January of 1976 by Eleanor Elias, a fund-raiser for the Shapp for President Committee and long-time personal friend of Siegel. Elias asked him to contact persons about making contributions to the Shapp for President Committee. During one of the calls in mid-January of 1976, Elias stated that the Committee really needed funds and that there was little time left. She suggested to Siegel that if he could find people who were not financially able to make contributions, he could provide the money for their contributions, and she would reimburse him at a later date.

B. In mid-January of 1976, Siegel asked three employees of Norstan Industries, Morrie Siegel, his son, Daniel Moss, and Nysia Lanier to write checks to Shapp for President Committee in the amount of $250. Siegel reimbursed these individuals by personal check in the amount of $250 each which was from his personal funds.

C. Siegel also asked five other employees, Stanley Kameron, Charles Martel, Charles Smith, Marvin Fine, and Richard Rudolph to sign

contributor cards stating that they were making a $100 contribution to the Shapp for President Committee. Siegel provided $100 cash for each of the cards signed by the employees. The cash was to be delivered with the signed contributor cards and was from Siegel's personal funds.

C. On approximately January 16, 1977, Siegel, at the direction of Eleanor Elias, had Stanley Kameron deliver an envelope containing the checks from Morrie Siegel, Daniel Moss, and Nysia Lanier and the signed contributor cards from Stanley Kameron, Charles Martel, Charles Smith, Marvin Fine, and Richard Rudolph along with $100 cash, from Siegel's personal funds, for each card to a man, whose name Siegel does not recall, at the Atlanta airport. Siegel then called Elias to inform her that the envelope had been delivered.

D. Toward the end of January of early February 1976, Siegel had dinner in the Philadelphia area with Eleanor Elias and her husband, Samuel. After dinner, Eleanor Elias gave respondent an envelope containing cash. Later that evening, Siegel testified that he looked at the contents of the envelope which contained either $500 or $600 in cash. The cash was payment for contributions he had made to the Shapp for President Committee.

III. Analysis

2 U.S.C. 441f (and its predecessor 18 U.S.C. 614) prohibit a person from making a contribution in the name of another person. Since Mr. Siegel provided the employees with the funds to make contributions, Siegel would be viewed under the Act as the person who made the contributions to the Shapp for President Committee. The fact that Siegel asked the employees to make the contributions in their

own names means that Siegel was effecting his contributions in the name of another person, a violation of 2 U.S.C. 441f. When the amount of funds Siegel provided to the employees is added to the $200 contribution Siegel gave to the Shapp Committee in his own name, the amount totals $1450. As such, the amount of his contributions exceeds the applicable contribuiton limit of $1000. With regard to the finding that a corporate violation may have occurred, Siegel has testified that the funds provided to the employees were his personal funds. Further, there does not appear to be any substantial corporate involvement in the transactions.

IV. Recommendation

We recommend that the Commission find reasonable cause to believe that a violation of 2 U.S.C. 441a and 441f has occurred. We would also recommend that the Commission find no reasonable cause to believe that there was a violation of 2 U.S.C. 441b. Attached is a copy of a proposed conciliation agreement in this matter. In view of the voluntary cooperation of Mr. Siegel in this matter, the conciliation agreement recommends a fine in the amount of $250.

A further question remains as to the appropriate Commission action with regard to the employees of Norstan Industries. 2 U.S.C. 441f prohibits a person from knowingly permitting his or her name to be used to effect a contribution in the name of another. The employees' actions did, in all likelihood, violate the provisions of this section. However, we have not and do not intend to recommend reason to believe findings with respect to these employees in view of the cooperation by Mr. Siegel which extended to his instructing the employees to cooperate fully with our investigation.

We are, of course, mindful of the fact that the contributions from these employees were matched. However, in these circumstances, there is no evidence of any intent on the part of Mr. Siegel or of the employees to defraud the Federal Treasury. Rather the scheme was suggested by a fund-raiser for the Shapp for President Committee. We would, however, recommend sending the attached letter to each of the employees as a part of the conciliation agreement, notifying them that their action violated the law, admonishing them for their part in the actions, and telling them that, in light of their admission of their actions, the Commission has voted to take no further action against them.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256-4
Stanley Siegel/Norstan Industries, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 2, 1977, the Commission determined by a vote of 4-0 to find Reasonable Cause to Believe that a violation of 2 U.S.C. 441a and 441f had occurred in the above-captioned matter, and to find No Reasonable Cause to Believe that there was a violation of 2 U.S.C. 441b. Voting for these findings were Commissioners Aikens, Staebler, Thomson and Tiernan. Commissioners Harris and Springer were not present at the time of the vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256 (76)
Stanley Siegel	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Stanley Siegel, violated 2 U.S.C. §441f and 2 U.S.C. §441a.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Siegel having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Siegel and the subject matter of this proceeding.

II. That respondent Seigel has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

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A. Respondent Siegel resides at 4345 Mt. Paran Parkway, Atlanta, Georgia, and is employed by, and part owner of, Norstan Industries, a clothing manufacturer with offices in Atlanta, Georgia.

B. Respondent Siegel was contacted several times during December of 1975 and January 1976 by Eleanor Elias who advised him that she was working for the Shapp for President Committee and asked him to solicit contributions from his friends. During one conversation, sometime during the second week of January 1976, Elias stated words to the effect that there was not much time left, that they really needed contributions, and that if Siegel could get some friends who were not in a position to make a contribution, and if he would provide funds for their contributions, she would reimburse Siegel.

C. Subsequent to that conversation, respondent Siegel asked Morrie Siegel, his son, Daniel Moss, and Nysia Lanier, all employees of Norstan Industries, to write checks to Shapp for President in the amount of $250 each. These individuals gave respondent Siegel their checks. Respondent Siegel reimbursed these individuals by personal check in the amount of $250 each.

D. Respondent Siegel also asked Stanley Kameron, Charles

Martel, Charles Smith, Marvin Fine, and Richard Rudolph, all employees of Norstan Industries, to sign contributor cards stating that they were making a $100 contribution to the Shapp for President Committee. Respondent Siegel took the cards and provided $100 cash from his personal funds to accompany each of the cards.

E. Respondent Siegel, at the direction of Eleanor Elias, had Stanley Kameron deliver an envelope containing the checks from Morrie Siegel, Daniel Moss, Nysia Lanier, and the contributor cards signed by Stanley Kameron, Charles Martel, Charles Smith, Marvin Fine, and Richard Rudolph and the $100 cash for each card to a man, whose name Stanley Siegel does not recall, at the Atlanta airport. Respondent Siegel then called Elias to inform her that the envelope had been delivered.

F. Toward the end of January or early February 1976 respondent Siegel had dinner in the Philadelphia area with Eleanor Elias and her husband. After dinner, Eleanor Elias gave respondent Siegel an envelope. Later that evening, respondent Siegel looked at the contents of that envelope which was either $500 or $600 in cash as reimbursement for contributions to the Shapp for President Committee.

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G. Respondent Siegel voluntarily appeared for a deposition in this matter and also instructed the employees of Norstan Industries to cooperate with the Commission in this matter.

Wherefore, respondent Siegel agrees:

I. Respondent Siegel's actions in reimbursing Morrie Siegel, Daniel Moss, and Nysia Lanier, and in providing funds to accompany the contributor cards of Stanley Kameron, Charles Martel, Charles Smith, Marvin Fine, and Richard Rudolph constitute the making of a contribution in the name of another within the meaning of 2 U.S.C. §441f and its predecessor 18 U.S.C. §614. As such, respondent's action in reimbursing such individuals and in providing funds to accompany the contributor cards of such individuals is in violation of 2 U.S.C. §441f/18 U.S.C. §614.

II. Respondent Siegel's total contributions to the Shapp for President Committee, including the contributions made in the name of another and his personal contribution, amounted to $1,450, which violates the applicable contribution limits in 2 U.S.C. §441a and its predecessor 18 U.S.C. §608(b).

III. Respondent Siegel will pay a civil penalty in the amount of seven hundred fifty (750) dollars pursuant to 2 U.S.C. §437g(a)(6)(B).

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IV. Respondent Siegel agrees that he will voluntarily testify before any Commission proceeding or other proceeding in which the matters at issue herein are relevant.

V. Respondent Siegel agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et. seq.

GENERAL CONDITIONS:

I. 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 Colunbia.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that Respondent Siegel shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirement contained in this agreement and to so notify the Commission.

IV. The Commission agrees that it shall recommend against subsequent action, whether civil or criminal, against the respondent, except for any action brought pursuant to Section I.

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5/11/77
DATE

Stanley Siegel
STANLEY SIEGEL

5/11/77
Date

William C. Oldaker
William C. Oldaker
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 256-1 (76)
	)	
Morrie Siegel	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reason to believe that respondent, Morrie Siegel, violated 2 U.S.C. §441f.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Morrie Siegel having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Morrie Siegel and the subject matter of this proceeding.

II. That respondent Morrie Siegel has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

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A. Respondent Morrie Siegel resides in Atlanta, Georgia, and is employed as an engineer with Norstan Industries in that City. His father, Stanley Siegel, is Secretary-Treasurer and part owner of Norstan.

B. In early or mid January, 1976, Stanley Siegel asked the respondent Morrie Seigel to write a personal check in the amount of two hundred fifty (250) dollars payable to the Shapp for President Committee.

Respondent Morrie Siegel wrote a personal check for $250, dated January 14, 1976, payable to Shapp for President.

Either at the time respondent Morrie Siegel wrote the check to Shapp for President, or shortly thereafter, Stanley Siegel reimbursed him the full amount of his check to the Shapp for President Committee.

Wherefore, respondent Morrie Siegel agrees:

I. Respondent Morrie Siegel's actions constituted his knowing permission for the use of his name to effect a contribution made by Stanley Siegel in the respondent's name in violation fo 2 U.S.C. §441f, and its predecessor, 18 U.S.C. §614.

II. Respondent Morrie Siegel will voluntarily testify before any Commission proceeding or before any other proceeding in which the matters at issue herein are relevant.

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III. Respondent Morrie Siegel will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

IV. Respondent Morrie Siegel will pay a civil penalty in the amount of one hundred (100) dollars, pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS

I. 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.

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executive same and the Commission has approved the entire agreement.

III. It is agreed that respondent Morrie Siegel shall have 30 days from the date this agreement becomes effective to comply with and to implement the requirements contained herein, and to so notify the Commission.

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IV. The Commission agrees that it shall recommend against subsequent action, whether civil or criminal, against the respondent, except for any action brought pursuant to Section I.

DATE: 5/11/77

Morrie Siegel

Morrie Siegel

5/12/77
Date

William C. Oldaker
General Counsel

8004022133

June 16, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 256

Please have the attached Memo distributed to the Commission on a 48 hour tally basis. Thank you.

8 0 0 4 0 2 1 5 3 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1980

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 256 - Shapp for President Committee, et al.

In 1977, the Commission made numerous reason to believe findings arising out of a review of the submissions by the Shapp for President Committee for matching funds.

On April 28, 1980, the Commission closed the file on the last of the respondents involved in this matter. A review of the massive file in this matter indicates that there are no further active investigations being undertaken by the Commission. Therefore, it is the recommendation of this Office that the file be closed, placed on the public record and a letter to the Committee's counsel be sent notifying the Committee that the file is officially closed. Attached is a copy of the proposed letter to be sent to the Committee's counsel.

Due to the extensive nature of the official record in this matter, it is proposed that only the General Counsel Reports and conciliation agreements be placed on the public record. The other documents will be stored in the archives and be available upon request. Attached is a notice to appear on the public record so notifying the public that other documents are available.

Recommendation

1. Close the file in MUR 256.
2. Place the file on the public record.
3. Notify counsel for the Committee.

Attachment

Letter to counsel
Memorandum to Public

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey
Morgan, Lewis & Bockius
123 South Broad Street
Philadelphia, PA 19109

RE: MUR 256

Dear Mr. Harvey:

This letter is to advise you that the Commission has closed the file in the above-captioned matter, and no further proceedings concerning the Committee and/or its officers and employees are contemplated. The file in this matter will become a part of the public record within thirty days.

Sincerely,

Charles N. Steele
General Counsel

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109
TELEPHONE (215) 491-9200

WASHINGTON
NEW YORK
HARRISBURG

LOS ANGELES
MIAMI
PARIS
ASSOCIATED OFFICE

GREGORY M. HARVEY
DIAL DIRECT (215) 491-9427

RECEIVED
80 MAY 12 PM 12
80 MAY 12 P3:29
GENERAL COUNSEL

May 7, 1980

Robert Bogin, Esquire
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

RE: Shapp for President Committee

Dear Mr. Bogin:

Confirming for your file our telephone conversation today, the Treasurer of the Shapp for President Committee, G. Thomas Miller, has arranged for storage of the Committee records at Quaker Storage Co., Inc., 901 Poplar Street, Philadelphia, Pennsylvania. We understand that the Committee records now in the possession of the Federal Election Commission, consisting of approximately 15 cartons of papers, will be shipped by the FEC to that location.

Also as discussed during our telephone conversation, the Shapp for President Committee has continued its existence, including the filing of periodic reports with the FEC, because we understood that one matter involving an officer of the Committee Ms. Sandra Stauffer (now Mrs. Frank Rainer) had not formally been closed. It is our intention, promptly upon receiving from you word that that matter has been closed, to render to the Committee our final statement for legal services and disbursements, arrange for that statement to be paid, and thereafter to terminate the Committee.

Very truly yours,

Gregory Harvey

Gregory M. Harvey

GMH:cd
cc: Mr. George Delaney
FBI - Harrisburg

MORGAN, LEWIS & BOCKIUS
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109

PM
MAY

Robert Bogin, Esquire
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 256
Shapp for President Committee,	)	
et al.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 19, 1980, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 256:

1. CLOSE THE FILE in MUR 256.
2. Place the file on the public record.
3. Notify counsel for the Committee.

Voting for this determination were Commissioners Friedersdorf, Harris, McGarry, Reiche, and Tiernan. Commissioner Aikens abstained in this matter.

Attest:

6/19/80
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 6-16-80, 5:29
Circulated on 48 hour vote basis: 6-17-80, 11:00

3 0 0 4 0 2 2 1 5 4 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 20, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey
Morgan, Lewis & Bockius
123 South Broad Street
Philadelphia, PA 19109

RE: MUR 256

Dear Mr. Harvey:

This letter is to advise you that the Commission has closed the file in the above-captioned matter, and no further proceedings concerning the Committee and/or its officers and employees are contemplated. The file in this matter will become a part of the public record within thirty days.

Sincerely,

Charles N. Steele
General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory M. Harvey
Morgan, Lewis & Bockius
123 South Broad Street
Philadelphia, PA 19109

RE: MUR 256

Dear Mr. Harvey:

This letter is to advise you that the Commission has closed the file in the above-captioned matter, and no further proceedings concerning the Committee and/or its officers and employees are contemplated. The file in this matter will become a part of the public record within thirty days.

Sincerely,

Charles N. Steele
General Counsel

RB
6/19/80

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109
TELEPHONE (215) 491-9200

WASHINGTON
NEW YORK
HARRISBURG

LOS ANGELES
MIAMI
PARIS
ASSOCIATED OFFICE

RECEIVED
80 JUN 30 AM 9:03

ccc#
1790

GREGORY M. HARVEY
DIAL DIRECT (215) 491-9427

June 26, 1980

SOBROS

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ATTENTION: Charles N. Steele, Esquire
General Counsel

RE: MUR 256 - Shapp for President Committee

Dear Mr. Steele:

This will acknowledge receipt of your letter of June 20, 1980 advising me that the Federal Election Commission has closed the file in the above-captioned matter and that no further proceedings concerning the Shapp for President Committee and/or its officers and employees are contemplated.

Respectfully yours,

Gregory Harvey

Gregory M. Harvey

GMH:cd

80 JUN30 A10:27

MORGAN, LEWIS & BOCKIUS
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109

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

ATT: Charles N. Steele, Esquire
General Counsel

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 256

Date Filmed 10/30/80 Camera No. --- 2

Cameraman GPC

FEDERAL ELECTION COMMISSION

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

THE FOLLOWING MATERIAL IS BEING ADDED TO THE

PUBLIC FILE OF CLOSED MUR #256.

LOCATED ON ROLL# 22 FR# 1161-1549

DATE FILMED 4/21/81 CAMERA # 3 RATIO 24:1

CAMERAMAN G.P. Coleman

DOC # 1666

NOCHEM S. WINNET
LEONARD J. SCHWARTZ
NATHAN L. POSNER
ISADORE A. SHRAGER
MURRAY H. SHUSTERMAN
ROBERT P. FRANKEL
WILLIAM A. WHITESIDE, JR.
RAMON R. OBOD
SELWYN A. HORVITZ
WILLIAM T. TSIOURIS
NORMAN LEIBOVITZ
WILLIAM J. DANIEL
E. GERALD DONNELLY, JR.
HERBERT BASS
OWEN A. KNOPPING
HOWARD R. FLAXMAN
BARRY J. LEVIN
MITCHELL S. GREENSPAN
ARTHUR BACHMAN
HENRY C. FADER
ABRAHAM C. REICH
MARY C. McMONAGLE
MITCHELL T. MORRIS

ALEX SATINSKY
A. ARTHUR MILLER
JEROME B. WEINSTEIN
CHARLES M. SOLOMON
J. VICTOR O'BRIEN
FREDERICK BLUMBERG
DONALD BROWN
JAY G. OCHROCH
JEROME E. ORNSTEEN
VICTOR WRIGHT
DAVID H. WICE
STANLEY S. COHEN
ROBERT P. KRAUSS
BARRY ACKERMAN
ROBERT A. BILDERSEE
BARRY E. SWEET
STEPHEN P. WEISS
JEFFREY B. ALBERT
NEIL VOGEL
JOHN C. McNAMARA
ESTHER POLEN
MURRAY E. ZEITLIN

OF COUNSEL
HERBERT S. LEVIN

LAW OFFICES
FOX, ROTHSCHILD, O'BRIEN & FRANKEL
1401 WALNUT STREET
PHILADELPHIA, PA. 19102
(215) LOCUST 8-5700
CABLE ADDRESS
FROF

77 SEP 23 AM 10:35

15

September 23, 1977

81025.

Federal Election Commission
1325 K Street N.W.
Washington, D. C. 20463

Attention: William C. Oldaker, General Counsel

Dear Mr. Oldaker:

I am enclosing a copy of your letter of August 19, 1977, and call to your attention that the second paragraph of the letter evidently was not completed. In order that my records may be tied in properly, I would appreciate your reviewing the letter and advising me that it was your intention to state that the subject matter of that paragraph would be covered by the second letter that you sent to me under date of August 19, 1977.

Your early acknowledgment of my understanding of the enclosed letter will, indeed, be appreciated.

Sincerely yours,

Enc.
AS/m
cc: Governor and Mrs. Milton J. Shapp
Gregory M. Harvey, Esquire

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

AUG 24 1977

August 19, 1977

Mr. Alex Satinsky
Fox, Rothschild, O'Brien & Frankel
1401 Walnut Street
Philadelphia, Pennsylvania 19102

Dear Mr. Satinsky:

This letter is a belated acknowledgment that on July 19, 1977, the Commission received Governor Milton Shapp's personal check for repayment in full of the amount determined by the Commission pursuant to 26 U.S.C. 9038(b)(1). Governor Shapp's check was forwarded immediately to the Secretary of the Treasury.

I would also like to advise you that ~~a~~ response to your letter of July 8, 1977, ~~in which you sought comment on~~ Governor Shapp~~'s intention~~ to contribute to the Shapp for President Committee the sum of $20,465.61, from his own assets, to be used to retire the debts and obligations of the Committee.

July 8

I apologize for the delay in acknowledging the receipt of Governor Shapp's repayment.

Very truly yours,

William C. Oldaker
General Counsel

July 19

cc: Mr. Gregory Harvey

August 19, 1977

Mr. Alex Satinsky
Fox, Rothschild, O'Brien & Frankel
1401 Walnut Street
Philadelphia, Pennsylvania 19102

Dear Mr. Satinsky:

This letter is a belated acknowledgment that on July 19, 1977, the Commission received Governor Milton Shapp's personal check for repayment in full of the amount determined by the Commission pursuant to 26 U.S.C. 9038(b)(1). Governor Shapp's check was forwarded immediately to the Secretary of the Treasury.

I would also like to advise you that a response to your letter of July 8, 1977, in which you sought comment on Governor Shapp's intention to contribute to the Shapp for President Committee, the sum of $20,465.61 from his own assets to be used to retire the debts and obligations of the Committee.

I apologize for the delay in acknowledging the receipt of Governor Shapp's repayment.

Very truly yours,

William C. Oldaker
General Counsel

cc: Mr. Gregory Harvey

August 19, 1977

Mr. Alex Satinsky
Fox, Rothschild, O'Brien & Frankel
1401 Walnut Street
Philadelphia, Pennsylvania 19102

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I would also like to advise you that a response to your letter of July 8, 1977, in which you sought comment on Governor Shapp's intention to contribute to the Shapp for President Committee, the sum of $20,465.61 from his own assets to be used to retire the debts and obligations of the Committee.

I apologize for the delay in acknowledging the receipt of Governor Shapp's repayment.

Very truly yours,

William C. Oldaker
General Counsel

cc: Mr. Gregory Harvey

August 19, 1977

Mr. Alex Satinsky
Fox, Rothschild, O'Brien & Frankel
1401 Walnut Street
Philadelphia, Pennsylvania 19102

Dear Mr. Satinsky:

I am writing in response to your letter of July 8, 1977, in which you sought comment on Governor Milton Shapp's intention to contribute his personal funds to the Shapp for President Committee.

Specifically, you indicate that Governor Shapp intends to contribute to the Shapp for President Committee the sum of $20,465.61 from his own assets to be used to retire debts and obligations of the Committee. These debts and obligations would constitute "expenditures" within the meaning of 2 U.S.C. 431(f). You further state that these funds would not be borrowed from any other person.

In addition, you indicate that Governor Shapp has planned to transfer $19,501.89 to the Shapp for President Committee to be used by the Committee to pay debts and obligations which, in the opinion of Gregory M. Harvey, are reportable pursuant to 2 U.S.C. 434, but which do not constitute "expenditures", within the meaning of 2 U.S.C 431(f). These debts and obligations consist of the following:

1. Temporary personnel employed for the purpose of duplicating and arranging documents to be produced for the Commission in response to its subpoena.

2. Xeroxing charges.

3. Disbursements by and fees for legal services of Morgan, Lewis & Backius in connection with the investigation of the Shapp for President Committee conducted by the Federal Election Committion and the investigation of the Shapp for President Committee being conducted by the United States Department of Justice.

The personal expenditure limitation contained in 26 U.S.C. 9035 is applicable only to Presidential candidates who have qualified for Presidential primary matching funds. The Commission determined with regard to Governor Milton Shapp's repayment obligation that this limitation did not apply to personal expenditures by Governor Shapp. Accordingly, I do not think that the Governor would be prohibited further from personally discharging the debts which you described.

I apologize for the delay in responding to your letter. If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

William C. Oldaker
General Counsel

CC: Gregory Harvey

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 19, 1977

MEMORANDUM TO: The Commission

FROM: William C. Oldaker
General Counsel

SUBJECT: MUR 256 - Repayment by Governor Milton Shapp

On July 19, 1977, this office received a check from Milton J. Shapp for $299,066.21 as repayment for the federal matching funds he had received. As stated in the cover letter from Governor Shapp's attorney, the check is intended as repayment in full of the Governor's repayment obligation. The amount corresponds to the amount the Commission had directed the Governor to pay.

The repayment is in accordance with 26 U.S.C. §9038(b) which states that "...the candidate shall pay to the Secretary or his delegate..." the amount determined by the Commission. Governor Shapp's check is made payable to "the United States Department of Treasury." A notation on the check states "For Repayment to FEC."

It appears that the check is made out in an acceptable way and this office will forward it to the Secretary of the Treasury for deposit, in accordance with the Statute and §134.2 of the Regulations.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

MILTON J. SHAPP
MURIEL SHAPP
736 SO. BOWMAN AVE. MERION, PA. 19066

№ 18530

July 18 1977 376/310

The United States Dept. of Treasury $299,066.21

Two hundred ninety nine thousand, sixty six 21/100 DOLLARS

Industrial Valley Bank and Trust Company

For Repayment to F.E.C.

Milton J. Shapp

999 502 1

NOCHEM S. WINNET
LEONARD J. SCHWARTZ
NATHAN L. POSNER
ISADORE A. SHRAGER
MURRAY H. SHUSTERMAN
ROBERT P. FRANKEL
WILLIAM A. WHITESIDE, JR.
RAMON R. OBOD
SELWYN A. HORVITZ
WILLIAM T. TSIOURIS
NORMAN LEIBOVITZ
WILLIAM J. DANIEL
E. GERALD DONNELLY, JR.
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JOHN C. McNAMARA
ESTHER POLEN
MURRAY E. ZEITLIN

OF COUNSEL
HERBERT S. LEVIN

LAW OFFICES
FOX, ROTHSCHILD, O'BRIEN & FRANKEL
1401 WALNUT STREET
PHILADELPHIA, PA. 19102
(215) LOCUST 8-5700
CABLE ADDRESS
FROF

July 18, 1977

81025.

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Attention: William C. Oldaker, Esquire
General Counsel

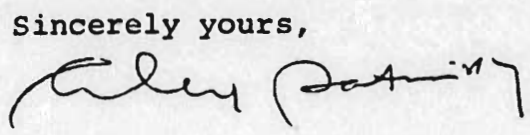
Re: MUR 256 - REPAYMENT REQUEST TO MILTON J. SHAPP PURSUANT TO 26 U.S.C. 9038(b)(1)

Dear Mr. Oldaker:

I have in hand your letter of July 13, 1977. Pursuant thereto, I am enclosing Governor Shapp's check dated today which has been certified and is made payable to the United States Department of Treasury. The check is in the smount of $299,066.21 and represents payment in full of the repayment obligation of Governor Shapp.

It would be appreciated if you would acknowledge the receipt of this letter and the enclosure and if you would arrange to have the Department of the Treasury forward to me their official receipt of the payment when you deliver the check to them.

Sincerely yours,



AS/p
Encl.
cc: Governor and Mrs. Milton J. Shapp
Gregory M. Harvey, Esquire

July 13, 1977

Mr. Alex Satinsky
Fox, Rothschild, O'Brien
and Frankel
1401 Walnut Street
Philadelphia, Pa. 19102

Re: MUR 256 - Repayment Request to Milton J. Shapp Pursuant to 26 U.S.C. 9038(b)(1)

Dear Mr. Satinsky:

This letter is to inform you that the Commission has determined that the repayment proposal set forth in your letter of July 7, 1977, would conform to the requirements of the Federal Election Campaign Laws and is acceptable to the Commission.

Governor Shapp's check in the amount of the repayment obligation should be delivered to the Commission for processing. We will xerox a copy of the check for our records to indicate that repayment has been made and then forward the check to the Department of the Treasury.

If you have any questions about this procedure, please do not hesitate to call me at 202/523-4143.

Sincerely,

William C. Oldaker
General Counsel

CReed:ln:7/13/77

FEDERAL ELECTION COMMISSION

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

July 13, 1977

To: The Commissioners

From: William C. Oldaker

Re: Repayment obligation of Governor Shapp

Earlier we circulated a letter from Governor Shapp's attorney in which he set forth a repayment proposal. Governor Shapp proposes to borrow $290,000 from his wife and to pay the remaining $9,066.21 with his own personal funds. Governor Shapp has asked the Commission if the proposal conforms with the Act and if the plan is acceptable to the Commission.

Governor Shapp's repayment obligation arose as a result of a Commission determination pursuant to 26 U.S.C. 9038. The question for Commission determination is whether the Governor's repayment is an expenditure within the meaning of 2 U.S.C. 431(f). If the repayment is considered an expenditure, then Mrs. Shapp's loan would presumably be a contribution and thereby prohibited by the contribution limitations.

We are of the opinion that the repayment by Governor Shapp is not an expenditure under the Act. The Governor's obligation arose after the termination of his active candidacy. Quite clearly, it was not an obligation incurred by the Governor for the purpose of influencing his nomination. Rather, the repayment obligation in these circumstances is a legal obligation, presumably enforceable by a court judgment, which arose as a result of his candidacy.

The payment of the current legal obligation by the Governor differs materially from a payment to extinguish a campaign debt. A campaign debt is incurred during the course of a campaign and is clearly for the purpose of influencing an election when incurred. The receipt of donations for or the payment of campaign debts is for the purpose of influencing because these acts relate to the initial intent of the candidate when incurring the debt.

For these reasons, we consider the proposal of Governor Shapp to conform to the requirements of the Act.

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

77 JUL 8 P2:52

July 8, 1977

TO: The Commissioners

FROM: Charles Steele

RE: Repayment by Governor Shapp - MUR 256

Attached for your consideration is a repayment proposal submitted by Governor Shapp. Due to the fact that we received the proposal a few minutes before the circulation deadline, we have not prepared a recommendation. We will, however, prepare a recommendation prior to the Commission meeting.

LAW OFFICES
FOX, ROTHSCHILD, O'BRIEN & FRANKEL
1401 WALNUT STREET
PHILADELPHIA, PA. 19102
CABLE ADDRESS
FROP

July 7, 1977

81025.

Federal Election Commission
1325 K Street N.W.
Washington, D. C. 20463

Re: REPAYMENT REQUEST TO MILTON J. SHAPP PURSUANT TO 26 U.S.C. §9038(b)(1)

Attention: William Oldaker, Esquire - General Counsel

Dear Mr. Oldaker:

On May 14, 1977, you were advised that I am personal counsel to Governor Milton J. Shapp with respect to the above matter. At my meeting with you and the members of your staff and Gregory M. Harvey, Esquire, on May 23, 1977, Mr. Harvey and I informed you that I would send you, for submission to the Commission, the proposed plan to repay the total amount of Federal Matching Payments received by the Shapp For President Committee.

The Governor has informed me that there is no asset or group of assets that he owns personally which can be quickly liquidated to produce the sum necessary for repayment and that even if he were able to do so, he would suffer serious tax consequences. However, he desires to effect the repayment at this time. Accordingly, subject to the approval of the Commission, he would propose to do the following.

1. Apply $9,066.21 of his own funds toward the repayment.

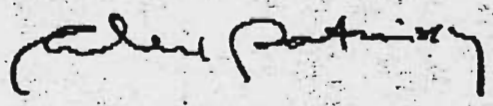
2. Borrow $290,000.00 from his wife, Muriel, who presently owns, in her own name, certain Certificates of Deposit. Mrs. Shapp is agreeable to lending to the Governor the proceeds to be received by her from those Certificates of Deposit. The loan of $290,000.00 will be evidenced by a Non-Interest Bearing Promissory Note, to be repaid within five (5) years from the

date of the loan, and Governor Shapp's personal non-liquid assets should generate enough funds to repay the loan in that period of time.

Based on the foregoing, it is proposed that Governor Shapp shall repay to the Secretary of the Treasury, or his delegate, not later than July 20, 1977, the sum of $299,066.21.

It would be appreciated if you would advise me if the foregoing plan is in conformity with the Federal Election Laws and that it is acceptable to the Commission. Upon receipt of your advices, Governor Shapp will implement the plan of repayment forthwith.

Very truly yours,



AS/s
cc: Governor and Mrs. Milton J. Shapp
Gregory M. Harvey, Esquire

NOCHEM S. WINNET
LEONARD J. SCHWARTZ
NATHAN L. POSNER
ISADORE A. SHRAGER
MURRAY H. SHUSTERMAN
ROBERT P. FRANKEL
WILLIAM A. WHITESIDE, JR.
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STEPHEN P. WEISS
JEFFREY B. ALBERT
NEIL VOGEL
JOHN C. McNAMARA
ESTHER POLEN
MURRAY E. ZEITLIN

OF COUNSEL
HERBERT S. LEVIN

RECEIVED
FEDERAL ELECTION
COMMISSION

FOX, ROTHSCHILD, O'BRIEN & FRANKEL

1401 WALNUT STREET
PHILADELPHIA, PA. 19102

(215) LOCUST 8-5700

CABLE ADDRESS
FROF

'77 JUL 11 AM 11:09

July 8, 1977

81025.

Federal Election Committee
1325 K Street N.W.
Washington, D.C. 20463

Attention: William Oldaker, Esquire

Re: SHAPP FOR PRESIDENT COMMITTEE

Dear Mr. Oldaker:

The undersigned is personal counsel to Governor Milton J. Shapp.

I have been advised that during the audit proceedings commencing in August of 1976, Mr. Thomas Hazelhorst, of the Compliance Review Division of the Commission, calculated that there remained available to Governor Shapp approximately $23,000.00 of the $50,000.00 contribution limitation which would be applicable to a Presidential candidate receiving Federal matching funds. Since that calculation, the Commission has made its determination concerning repayment of Federal matching funds, and you have been advised that Governor Shapp will repay the entire amount of the matching funds. My letter of July 7, 1977 addressed to you, proposed a repayment procedure by which the amount would be repaid on or before July 20, 1977.

Governor Shapp has requested that I advise you, and seek your comment upon, if you deem any comment to be proper and appropriate, of his intention to contribute to the Shapp For President Committee, the sum of $20,465.61 from his own assets, to be used to retire the debts and obligations of the Committee which constitute "expenditures" within the meaning of 2 U.S.C. §431(f). The funds constituting this contribution will not be borrowed from any other person.

Governor Shapp has also asked me to advise you that he intends to transfer $19,501.69 to the Shapp For President Committee, to be used by the Committee to pay debts and obligations which, in the opinion of Gregory M. Harvey, Esquire, as counsel to the Committee, are reportable pursuant to 2 U.S.C. §434, but which do not constitute "expenditures", within the meaning of 2 U.S.C. §431(f), subject to contribution or expenditure limitations. Those debts and obligations consist of the following:

1. Temporary personnel employed for the purpose of duplicating and arranging documents to be produced for the Commission in response to its subpoena.

2. Xeroxing charges.

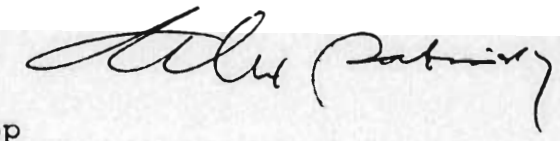
3. Disbursements by and fees for legal services of Morgan, Lewis & Bockius in connection with the investigation of the Shapp For President Committee conducted by the Federal Election Commission and the investigation of the Shapp For President Committee being conducted by the United States Department of Justice.

I am advised by Mr. Harvey that the legal opinion given by him to the effect that these debts and obligations are not subject to contribution or expenditure limitations but should be reported in the periodic reports of the Shapp For President Committee, is an opinion which has been discussed with you and with Carol Reed, Esquire of your staff, and that you have not commented adversely concerning that opinion.

These matters are brought to your attention so that if you believe it appropriate to comment, you can advise me prior to having these transfers of funds effected. It is intended that these transfers will occur shortly after July 20, 1977, and will be completed during the month of July, 1977.

Your acknowledgement of the receipt of this letter and your advices will, indeed, be appreciated.

Very truly yours,



AS/p
cc: Governor Milton J. Shapp
Gregory M. Harvey, Esquire

NOCHEM S. WINNET
LEONARD J. SCHWARTZ
NATHAN L. POSNER
ISADORE A. SHRAGER
MURRAY H. SHUSTERMAN
ROBERT P. FRANKEL
WILLIAM A. WHITESIDE, JR.
RAMON R. OBOD
SELWYN A. HORVITZ
WILLIAM T. TSIOURIS
NORMAN LEIBOVITZ
WILLIAM J. DANIEL
E. GERALD DONNELLY, JR.
HERBERT BASS
OWEN A. KNOPPING
HOWARD R. FLAXMAN
BARRY J. LEVIN
MITCHELL S. GREENSPAN
ARTHUR BACHMAN
HENRY C. FADER
ABRAHAM C. REICH
MARY C. McMONAGLE
MITCHELL T. MORRIS

ALEX SATINSKY
A. ARTHUR MILLER
JEROME B. WEINSTEIN
CHARLES M. SOLOMON
J. VICTOR O'BRIEN
FREDERICK BLUMBERG
DONALD BROWN
JAY G. OCHROCH
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VICTOR WRIGHT
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ROBERT A. BILDERSEE
BARRY E. SWEET
STEPHEN P. WEISS
JEFFREY B. ALBERT
NEIL VOGEL
JOHN C. McNAMARA
ESTHER POLEN
MURRAY E. ZEITLIN

OF COUNSEL
HERBERT S. LEVIN

FEDERAL ELECTION COMMISSION
'77 JUL 11 AM 11:09

LAW OFFICES
FOX, ROTHSCHILD, O'BRIEN & FRANKEL
1800 WALNUT STREET
PHILADELPHIA, PA. 19102
(215) LOCUST 8-5700
CABLE ADDRESS
FROF

July 7, 1977

772081

81025.

Federal Election Commission
1325 K Street N.W.
Washington, D. C. 20463

Re: REPAYMENT REQUEST TO MILTON J. SHAPP PURSUANT TO 26 U.S.C. §9038(b)(1)

Attention: William Oldaker, Esquire - General Counsel

Dear Mr. Oldaker:

On May 14, 1977, you were advised that I am personal counsel to Governor Milton J. Shapp with respect to the above matter. At my meeting with you and the members of your staff and Gregory M. Harvey, Esquire, on May 23, 1977, Mr. Harvey and I informed you that I would send you, for submission to the Commission, the proposed plan to repay the total amount of Federal Matching Payments received by the Shapp For President Committee.

The Governor has informed me that there is no asset or group of assets that he owns personally which can be quickly liquidated to produce the sum necessary for repayment and that even if he were able to do so, he would suffer serious tax consequences. However, he desires to effect the repayment at this time. Accordingly, subject to the approval of the Commission, he would propose to do the following.

1. Apply $9,066.21 of his own funds toward the repayment.

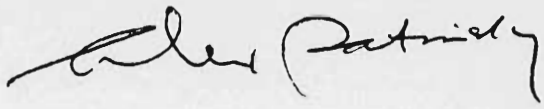
2. Borrow $290,000.00 from his wife, Muriel, who presently owns, in her own name, certain Certificates of Deposit. Mrs. Shapp is agreeable to lending to the Governor the proceeds to be received by her from those Certificates of Deposit. The loan of $290,000.00 will be evidenced by a Non-Interest Bearing Promissory Note, to be repaid within five (5) years from the

date of the loan, and Governor Shapp's personal non-liquid assets should generate enough funds to repay the loan in that period of time.

Based on the foregoing, it is proposed that Governor Shapp shall repay to the Secretary of the Treasury, or his delegate, not later than July 20, 1977, the sum of $299,066.21.

It would be appreciated if you would advise me if the foregoing plan is in conformity with the Federal Election Laws and that it is acceptable to the Commission. Upon receipt of your advices, Governor Shapp will implement the plan of repayment forthwith.

Very truly yours,



AS/m
cc: Governor and Mrs. Milton J. Shapp
Gregory M. Harvey, Esquire

MUR 256

MORGAN, LEWIS & BOCKIUS
COUNSELORS AT LAW
123 SOUTH BROAD STREET
PHILADELPHIA, PENNSYLVANIA 19109
TELEPHONE: (215) 491-7000
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TELEPHONE: (212) 486-7320

800 NORTH THIRD STREET
HARRISBURG, PENNSYLVANIA 17102
TELEPHONE: (717) 238-1787

800 WEST SIXTH STREET
LOS ANGELES, CALIFORNIA 90017
TELEPHONE: (213) 687-9900

ASSOCIATED OFFICE:
130, RUE DU FAUBOURG ST. HONORE
PARIS 8, FRANCE
TELEPHONE: 355-28-57

FEDERAL ELECTION COMMISSION
'77 JUN 27 AM 10:57

771933

June 24, 1977

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Attention: William Oldaker, Esquire
Carolyn Reed, Esquire

Re: Repayment request to Milton J. Shapp pursuant to 26 U.S.C. § 9038 (b)(1)

Dear Mr. Oldaker and Ms. Reed:

During our meeting on May 23, you were orally informed of financial arrangements by which Milton J. Shapp might repay the matching funds received by Shapp For President Committee, such repayment to be in two installments. Subsequent to that meeting, the undersigned as special counsel to Governor Shapp, Mr. Satinsky as personal counsel, and Governor and Mrs. Shapp have sought to develop a method by which the entire amount might be paid in one installment during the month of July, 1977. We expect to be in a position within the next two weeks to advise you concerning the possibility of the repayment being made in one installment.

Unless the undersigned is advised by you to the contrary, we assume that you are satisfied with this status report concerning the matter and that the projected schedule of informing you within two weeks concerning the proposed manner and date of payment is satisfactory to you.

Thank you for your courtesies.

Very truly yours,

Gregory M. Harvey

GMH/jt

SO-1864
RECEIVED SO OFFICE
MAY 19, 1977

FEDERAL ELECTION COMMISSION

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

May 17, 1977

TO: The Commissioners

FROM: William C. Oldaker

RE: Repayment by Governor Milton Shapp

A question has arisen as to whether the candidate expenditure limitation in 26 U.S.C. 9035 will bar Governor Shapp from using personal funds to repay the Federal Treasury the amount of matching funds he received.

Since the Commission concluded that Governor Shapp was not eligible to receive matching funds, I recommend a determination that the limitation of 26 U.S.C. 9035 is not applicable to Governor Shapp's candidacy.

FEDERAL ELECTION COMMISSION

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

END OF ADDITIONAL MATERIAL FOR CLOSED MUR #234.

DATE FILMED 4/31/81 CAMERA# 3 RATIO 24:1

CAMERAMAN G.P. Coleman