FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

THIS IS THE BEGINNING OF MUR # 2612

DATE FILMED 10/5/88 CAMERA NO. 2

CAMERAMAN TM LC

8804072257 8

Wagl Country
AM 1560
50,000 WATTS CLEAR CHANNEL
LANCASTER
P.O. Box 28
Lancaster, SC 29720
(803) 283-8431
ROCK HILL
P.O. Box 10165
Rock Hill, SC 29730
(803) 327-1560

FEDERAL ELECTION COMMISSION
88 MAY 24 AM 11:21

May 16, 1988

RECEIVED
FEDERAL ELECTION COMMISSION
88 MAY 24 AM 10:35

Chairman
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Dear Sir:

It is with much regret that I make a complaint against the George Bush for President Campaign...in view of the fact that I am a staunch supporter of George Bush for President.

On March 1, 1988 a last minute order came to WAGL by phone for a spot campaign to run on WAGL March 2, 3 and 4 building up to the March 5th Republican Primary in South Carolina. Our mistake was to accept the order prior to payment and political form signature. However, we did accept and run the spots as ordered by phone using a 60 second tape that was over night expressed to us (Bobby Richardson Endorsement Tape). The order we received by phone was to run 8 spots: 6am-10am on the 2nd, 3rd, and 4th and 8 spots: 3pm-7pm on the 2nd, 3rd, and 4th...a total of 48 spots at a net to station rate of $8.50 (the low end political rate required by the FCC). When Internet sent the check and form it was for only 16 spots and in the amount of $135.94.

Upon talking to Internet (the ordering agent) numerous times by phone I finally received a letter stating that they will not pay the difference (copy enclosed).

I feel that WAGL is due the balance and that even though there may possibly have been a mis-understanding, the un-professional rush, rush nature in which the order was placed puts the responsibility on the Bush Campaign and their authorized agents.

I swear that the above statement is the truth to the best of my knowledge.

Sincerely,

B.L. Phillips, Jr.

B.L. Phillips, Jr.
General Manager
WAGL
Lancaster, SC

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER
SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 16th
DAY OF May 88
Linda S. Gandy
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires January 2, 1995

Enclosures:lpg

Serving all of North Central South Carolina
(Lancaster, Rock Hill, Chester, Winnsboro, Great Falls, Pageland, Fort Mill)

88040722579

INTEREP

100 Park Avenue
New York, New York 10017
Telephone: 212 916-0700

May 12, 1988

Len Phillips
WAGL Radio
P.O. Box 28
Lancaster SC 29720

Dear Mr. Phillips

Regarding the George Bush Political Campaign running on your station March of 1988, Farrell Media (the agent placing the business) will not pay for the extra spots run on WAGL.

Check number 414, issued to WAGL for the amount of $135.94 was in payment of 16x spots run between March 2nd and March 4th at the net rate of $8.50 per spot.

I apologize for the misunderstanding in the acceptance of the order, but Internet cannot issue payment for spots run over the contract.

Regards,

Robert Picunko
Interep Radio Networks
Manager of Operations

88040722580

8 8 0 4 0 7 2 2 5 8 1

TORBET RADIO, INC.
SUPERNET ACCT.
100 PARK AVENUE
NEW YORK, N.Y. 10017

414

March 4 19 88 1-12/210

PAY TO THE ORDER OF WAGL $ 135.94

one hundred thirty five and 94/100 DOLLARS

CHEMICALBANK
100 PARK AVENUE, NEW YORK, N.Y. 10017

FOR Bush

⑈000414⑈ ⑆021000128⑆ 019⑈045846⑈

NAB FORM PB 11 FEBRUARY 1984

AGREEMENT FORM FOR POLITICAL BROADCASTS

STATION and LOCATION WAGL Lancaster 1988

I, CATHERINE FARRELL (being) (on behalf of) GEORGE BUSH FOR PRESIDENT,

733 15th St. N.W., Suite 800, Washington, DC 20005

a legally qualified candidate of the REPUBLICAN political party for the office of PRESIDENT

in the PRIMARY election to be held on _____, do hereby request station time as follows:

LENGTH OF BROADCAST	HOUR	DAYS	TIMES PER WEEK	TOTAL NO. WEEKS	RATE

DATE OF FIRST BROADCAST	DATE OF LAST BROADCAST
3/2/88	3/4/88

Total Charges: _____

The broadcast time will be used by GEORGE BUSH FOR PRESIDENT

I represent that the advance payment for the above-described broadcast time has been furnished by

GEORGE BUSH FOR PRESIDENT

_____ and you are authorized to so describe that sponsor in your log and to announce the program as paid for by such person or entity. The entity furnishing the payment, if other than an individual person, is: ( ) a corporation; (X) a committee; ( ) an association; or ( ) other unincorporated group. The names and offices of the chief executive officers of the entity are: _____

CHAIRMAN: LEE ATWATER

TREASURER: J. STANLEY HUCKABY

It is my understanding that: If the time is to be used by the candidate himself within 45 days of a primary or primary runoff election, or within 60 days of a general or special election, the above charges represent the lowest unit charge of the station for the same class and amount of time for the same period; where the use is by a person or entity other than the candidate or is by the candidate but outside the aforementioned 45 or 60 day periods, the above charges do not exceed the charges made for comparable use of such station by other users.

It is agreed that use of the station for the above-stated purposes will be governed by the Communications Act of 1934, as amended, and the FCC's rules and regulations, particularly those provisions reprinted on the back hereof, which I have read and understand. I further agree to indemnify and hold harmless the station for any damages or liability that may ensue from the performance of the above-stated broadcasts. For the above-stated broadcasts I also agree to prepare a script or transcription, which will be delivered to the station at least _____ before the time of the scheduled broadcasts; (*note:* the two preceding sentences are not applicable if the candidate is personally using the time).

Date: 12/1/87 Catherine Farrell

(Candidate, Supporter or Agent)

Accepted / Rejected by _____ Title _____

This application, whether accepted or rejected, will be available for public inspection for a period of two years in accordance with FCC regulations (Sections 73.3526 and 73.1940(d).)

8804072258 2

Wagl Country AM 1560

50,000 WATTS CLEAR CHANNEL

LANCASTER
P. O. BOX 29
LANCASTER, S. C. 29720
(803)283-6431

ROCK HILL
P. O. BOX 10168
ROCK HILL, S. C. 29730
(803)327-1560

INVOICE # 459-71031

CUSTOMER INVOICE	CLIENT	BILL DATE	BILL CODE	SALES-MAN	PAGE NO.
459031A	GEO. BUSH (RICHARDSON ENDORSE) 30	3/11/88	3	1	1

DATE	RATE	TIME	DATE	RATE	TIME	DATE	RATE	TIME	DATE	RATE	TIME
302	8.50	241p	302	8.50	307p	302	8.50	322p	302	8.50	353p
302	8.50	431p	302	8.50	458p	302	8.50	523p	302	8.50	559p
303	8.50	658a	303	8.50	708a	303	8.50	720a	303	8.50	744a
303	8.50	807a	303	8.50	835a	303	8.50	841a	303	8.50	859a
303	8.50	923a	303	8.50	947a	303	8.50	311p	303	8.50	344p
303	8.50	358p	303	8.50	416p	303	8.50	441p	303	8.50	514p
303	8.50	525p	303	8.50	547p	303	8.50	616p	303	8.50	631p
304	8.50	659a	304	8.50	719a	304	8.50	747a	304	8.50	810a
304	8.50	831a	304	8.50	846a	304	8.50	858a	304	8.50	917a
304	8.50	925a	304	8.50	947a	304	8.50	311p	304	8.50	344p
304	8.50	358p	304	8.50	416p	304	8.50	441p	304	8.50	514p
304	8.50	534p	304	8.50	543p	304	8.50	613p	304	8.50	626p

ANNX= 48 NET DUE==> $408.00

2

ABOVE ITEMS ARE BROADCAST WITHIN +/- TEN MINUTES OF TIMES SPECIFIED ACCORDING TO OFFICIAL STATION LOG

AFFIDAVIT OF SERVICE RENDERED

STATE OF SOUTH CAROLINA, COUNTY OF LANCASTER

THE UNDERSIGNED HAVING BEEN DULY SWORN, DEPOSITS AND SAYS THAT BROADCASTING SERVICE HAS BEEN RENDERED BY THIS STATION IN ACCORDANCE WITH THE ABOVE INVOICE

PALMETTO BROADCASTING SYSTEM, INC.

BY _____

SUBSCRIBED AND SWORN TO BEFORE ME.

THIS _____ DAY OF _____ 19 _____

_____ NOTARY PUBLIC

8 8 0 4 0 7 2 2 5 8 3

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 25, 1988

Mr. B. L. Phillips, Jr.
General Manager
WAGL
PO Box 28
Lancaster, SC 29720

RE: MUR 2612

Dear Mr. Phillips:

This letter acknowledges receipt of your complaint, received on May 24, 1988, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the George Bush For President General Election Committee, Inc. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2612. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

8804072254

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 25, 1988

J. Stanley Huckaby, Treasurer
George Bush For President
General Election Committee, Inc.
733 15th Street, NW
Suite 800
Washington, DC 20005

RE: MUR 2612
George Bush For President
General Election
Committee, Inc. and J.
Stanley Huckaby, as
treasurer

Dear Mr. Huckaby:

The Federal Election Commission received a complaint which alleges that the George Bush For President General Election Committee, Inc. and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2612. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the George Bush For President General Election Committee, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

8804072258 5

If you have any questions, please contact Janice Lacy, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: The Honorable George Bush
George Bush For President
General Election Committee, Inc.
733 15th Street, NW
Suite 800
Washington, DC 20005

8804072258 6

6CC#9528

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
88 JUN 16 AM 9:53

WILEY, REIN & FIELDING
1776 K STREET, N.W.
WASHINGTON, D.C. 20006
(202) 429-7000

JAN W. BARAN
(202) 429-7330

June 15, 1988

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attn: Janice Lacy

Re: MUR 2612 (George Bush for President, Inc.)

Dear Mr. Noble:

This letter is submitted on behalf of George Bush for President, Inc. ("GBP" or "the Committee") and Stan Huckaby, as Treasurer, in response to a Complaint filed with the Federal Election Commission ("FEC" or "the Commission") by B.L. Phillips, Jr., and denominated Matter Under Review ("MUR") 2612.[1] Also enclosed is the Designation of Counsel, signed by Stan Huckaby, Treasurer, designating the undersigned as Counsel for Respondent in this MUR.

---

[1] While the Commission's notification letter was addressed to the George Bush for President General Election Committee, Inc., that Committee was not in existence at the time of the radio spots at issue in this MUR. Rather, the complaint should have been directed to George Bush for President, Inc. which is the primary election committee.

88040722587

The Complaint

Complainant alleges that his radio station, WAGL, received a last minute order by telephone from Internet (the Ordering Agent) requesting eight spots between 6 a.m. and 10 a.m. on March 2nd, 3rd and 4th, and an additional eight spots between 3 p.m. and 7 p.m. on the same dates on behalf of George Bush for President, Inc. Complainant believed that a total of forty-eight spots were ordered rather than a total of sixteen spots. Since Internet paid Complainant for sixteen spots, and will not pay for any more spots, Complainant wants GBP to pay the balance "even though there may possibly have been a mis-understanding" (See Complaint).

Response

The complaint in this matter does not identify or implicate any violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). Rather, it simply involves what Complainant himself characterizes as a "mis-understanding" with respect to the number of spots ordered by the Agent in this matter, Internet. Clearly, the promptness with which Internet paid its debt in this case, three days after the order, is indicative of the fact that it was confident that only sixteen spots had been ordered. Internet did not even wait until all the spots were to have been run before satisfying its obligation to WAGL.

8 8 0 4 0 7 2 2 5 9 8

Internet's contemporaneous confirmation of the radio contract which was later provided to GBP, attached at Exhibit 1, confirms that only sixteen spots were ordered.[2] The documentation of the contract by the agent explicitly states that "[t]he contract does show a total of 16 spots," and that the error in this matter was on the part of the station. Based on this substantiation of the contract, which confirms that only sixteen spots were authorized by the Committee, no obligation remains to be fulfilled on this contract.[3] Since Respondent does not recognize the thirty-two unordered spots as an obligation, the Committee need not report under the Act.

For these reasons, the Commission should find no reason to believe that George Bush for President, Inc. and Stan

9 3 0 4 0 7 2 2 5 8 9

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[2] The confirmation shows a total gross cost of $188.16. This cost reflects the amount the commission owed to the ordering agent in addition to the amount owed WAGL for the sixteen spots ordered.

[3] It is interesting to note that Complainant did not even conform to the order as it perceived it was received. As can be seen on its affidavit of services rendered, eight spots were run on March 2, and ten spots in each time frame on March 3rd and 4th rather than eight spots in each time frame on each of the three days as WAGL claims were ordered.

Huckaby, as Treasurer, violated the Federal Election Campaign Act of 1971, as amended.

Sincerely,

Jan W. Baran

Carol A. Laham

Carol A. Laham

Counsel for George Bush
for President, Inc.

Enclosures

8804072590

ALL STATE LEGAL SUPPLY CO® ONE COMMERCE DRIVE, CRANFORD, NEW JERSEY 07016

8 8 0 4 0 7 2 2 5 9 1

Farrell Media Inc.

An Allen Communications Company

May 31, 1988

Mr. David Nummy
Comptroller
GEORGE BUSH FOR PRESIDENT HEADQUARTERS
733 25th Street, N.W.
Suite 800
Washington, DC 20005

RE: WAGL Radio, Lancaster, SC

Dear David,

The attached radio contract issued by Internet is their confirmation of the schedule they ordered on station WAGL on March 1st, 1988. The contract does show a total of 16 spots and a total station cost of $188.16.

It is apparant that the person accepting the order at the station incorrectly understood the order to be for 16 spots per day instead of 16 spots over the three day flight.

Internet is correct in their letter of 5/12/88 to WAGL advising them that the extra spots run would not be paid for as Farrell Media Inc. has paid Internet for only the 16 spots that were to be ordered. It is of course the option of the campaign if they would like to compensate the station for their error and pay for the extra spots run.

Please let me know if you have any additional questions, or if the campaign would like to pay the station the balance in question.

Regards,

Lorraine DiSapio

Lorraine DiSapio
Vice President

att:

R8040722592

803
283 8431

STATION COPY

INTERNET
RADIO NETWORKS
100 PARK AVENUE, NEW YORK, NY 10017 (212) 916-0551

RADIO CONTRACT

DATE 3/1

MARKET: WAGL

STATION: Lancaster

ADVERTISER: Political	SALESMAN/OFFICE: Weber/Greenfield
PRODUCT: George Bush	CONTRACT NUMBER:
FLIGHT DATES: 3/2 - 3/4/88 (Richardson endorse.)	

SCHEDULE DATES START END | NO. OF WEEKS | CAMPAIGN FLIGHTS ☐ YES ☐ NO

W-F	6 10a	60	8x	11.76	
W-F	3-7p	60	8x	↓	
			16x		

CALLED INTO LINDA 3/1 By CAMILLA Lillbank

250 net to Lynn Philips

803 283 8431

Linda pk 3/1 cml

17x

MAKE GOOD POLICY:

SLSPRSN

ADV.

AGENCY

TOTAL GROSS COST: 188.16

TOTAL NO. ANNCTS.: 16x

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

88 JUN 16 AM 9:53

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2612

NAME OF COUNSEL: Jan W. Baran

ADDRESS: Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

TELEPHONE: (202) 429-7330

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

6/15/88
Date

Signature

RESPONDENT'S NAME: Stan Huckaby, Treasurer

ADDRESS: George Bush for President, Inc.
733 15th St. N.W. Suite 800
Washington, D.C. 20006

HOME PHONE:

BUSINESS PHONE:

8804072259 4

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

FIRST GENERAL COUNSEL'S REPORT

MUR NO. 2612
DATE COMPLAINT RECEIVED BY OGC: May 24, 1988
DATE OF NOTIFICATION TO RESPONDENT: May 25, 1988
STAFF MEMBER: Janice Lacy

COMPLAINANT:	B. L. Phillips, as general manager of radio station WAGL
RESPONDENTS:	George Bush for President, Inc. and J. Stanley Huckaby, as treasurer
RELEVANT STATUTES:	2 U.S.C. § 434(b)(8) 11 C.F.R. § 104.11(a)
INTERNAL REPORTS CHECKED:	Public Records AO 1983-25
FEDERAL AGENCIES CHECKED:	None

I. GENERATION OF MATTER

The Commission received a complaint on May 24, 1988, from B. L. Phillips, General Manager of radio station WAGL located in Lancaster, South Carolina. The complaint alleges that the George Bush for President, Inc. ("the Committee") has failed to acknowledge a debt owed to the Complainant for radio spots run on WAGL prior to the March 5th Republican primary in South Carolina.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The radio station accepted a rush order from Internet, the ordering agent for the Committee's media placements, for radio spots before obtaining payment and signatures for the order. The station ran forty-eight spots, according to its understanding of

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the agreement, but later received a check and order form from the ordering agent for only sixteen spots. The difference in cost between forty-eight spots ($408) and sixteen spots ($136) is the amount in dispute ($272) which the Complainant claims is due. The ordering agent refused to pay the disputed amount, stating that it would not issue payments for spots run over the contract.

The evidence offered by the Complainant in support of this allegation is: (1) a letter from Interep Radio Network refusing to pay the disputed amount; (2) a check from Torbet Radio, Inc. to radio station WAGL in the amount of $135.94, showing the memo notation "Bush;" (3) a "NAB Agreement Form for Political Broadcasts," signed by an agent or supporter of the Committee and dated December 1, 1987, ordering station time from March 2 to March 4, 1988, but not indicating the number of spots ordered nor showing an acceptance signature; and (4) an itemized invoice from the radio station dated March 11, 1988, showing a billing for forty-eight spots at a total cost of $408.

The Commission received a response to the complaint from counsel for George Bush for President, Inc. and J. Stanley Huckaby as treasurer on June 16, 1988. The response claims that the complaint does not identify or implicate any violation of the Act, but is rather what the Complainant himself characterizes as a "misunderstanding" concerning the number of radio spots ordered. The response notes that the ordering agent's prompt payment for the sixteen radio spots within three days after placing the order indicates that it was confident that only

sixteen spots had in fact been ordered.

Additionally, the response attaches the ordering agent's confirmation of the radio contract, which shows a total of sixteen, not forty-eight, spots. It also attaches a letter from Farrell Media Inc., dated May 31, 1988, which states:

> Internet [the ordering agent] is correct in their letter of 5/12/88 to WAGL advising them that the extra spots run would not be paid for as Farrell Media Inc. has paid Internet for only the 16 spots that were to be ordered. It is of course the option of the campaign if they would like to compensate the station for their error and pay for the extra spots run. (Emphasis added.)

Finally, the report filed by the Committee for the March reporting period shows several expenditures amounting to several hundred thousand dollars to Farrell Media, Inc. for the purpose of "media placement;" the Committee report shows no expenditure to the Complainant.

B. Legal Analysis

The Act requires that each report filed by a political committee must disclose the amount and nature of outstanding debts and obligations owed by or to such political committee. 2 U.S.C. § 434(b)(8). See also 11 C.F.R. § 104.3(d). Furthermore, the Regulations require that debts and obligations owed by or to a political committee which remain outstanding shall be continuously reported. 11 C.F.R. § 104.11(a).

The issue raised by this complaint is whether the amount of the debt alleged by the Complainant concerning the radio advertising must be reported as a debt owed by the Committee or whether, because the debt was incurred by the Committee's

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consultant, it must be reported at all. The Commission addressed the relationship between a committee and its media consultants in Advisory Opinion 1983-25. There, the Commission considered a request regarding the reporting of Committee payments to media consultants who furnished media-related services, including the purchase of radio time, during the 1984 Democratic primary campaign. The Commission concluded that a consultant may be viewed as a vendor of media services to a committee, and that a committee may report payments to such consultants as committee expenditures without further itemization of the other entities that receive payments from these consultants in connection with their services under committee contracts.

Applying this Advisory Opinion to the present case, it is apparent that the Committee is following the reporting procedure outlined by AO 1983-25 for reporting expenditures to a media consultant. During the March reporting period when this debt arose, the Committee reported several substantial expenditures to Farrell Media Inc. for the purpose of "media placement." Additionally, the Committee made very limited separate expenditures for media services to any radio station, and made no payments to the Complainant's radio station. Accordingly, it is apparent that Farrell Media and the Committee have a vendor-vendee relationship regarding the provision of media services; further itemization of payments made by Farrell Media to others (such as the Complainant) are not required to be separately reported for purposes of 2 U.S.C. § 434(b)(5), and the

8 8 0 4 0 7 2 2 5 9 8

Committee made no such report.

Beyond these reporting practices, the facts show further evidence that Farrell Media can be considered a vendor of media services to the Committee. For example, Farrell Media apparently controlled the details of the Committee's media placement. Internet, the ordering agent, and not the Committee, placed the order for the radio time with the Complainant. Moreover, the exhibits to the complaint and the Respondent's response show Farrell Media (and its subcontractors) considered itself, and not the Committee, responsible for paying for the radio time. For example, the check to the radio station which paid for the radio spots was drawn on an account of Torbet Radio, Inc., not the Committee's account. Furthermore, in a letter from Farrell Media dated May 31, 1988, Farrell Media states that it had paid Internet, the ordering agent who placed the radio spots in question, for the sixteen spots that were ordered. Internet apparently did not receive payment for the radio time from the Committee, as the Committee reported no such expenditure to Internet on its March reports. Finally, a letter to the Complainant from Interep Radio Networks dated May 12, 1988 refers to Farrell Media and Internet as the parties responsible for payment of the spots.*/ Likewise, the Complainant made the

*/ We do not know the exact business relationship between Farrell Media, Internet, Interep Radio Networks and Torbet Radio, Inc. However, it appears that Farrell Media is responsible for providing media placement services to the Committee; Internet is the ordering agent Farrell Media used to place the spots; Torbet Radio paid for the radio time; and Interep Radio Networks corresponded with the Complainant on behalf of Farrell Media regarding payment of the disputed amount.

8 8 0 4 0 7 2 2 5 9 9

agreement for radio time, accepted payment from and later corresponded with not the Committee, but with the parties associated with Farrell Media. As a vendor of media services to the Committee, it appears that Farrell Media purchased services from the Complainant to use in performance of its apparent consulting agreement with the Committee.

Given these facts, it follows that the disputed debt in this case is not between the Complainant and the Committee, but is between the Complainant and a vendor of the Committee. Because the disputed debt is not a debt of the Committee, this Office recommends that the Commission find no reason to believe that the Committee, and J. Stanley Huckaby, as treasurer, violated 2 U.S.C. § 434(b)(8) and 11 C.F.R. § 104.11.

III. RECOMMENDATIONS

1. Find no reason to believe that George Bush for President, Inc. and J. Stanley Huckaby, as treasurer, violated 2 U.S.C. § 434(b)(8) and 11 C.F.R. § 104.11(a).

2. Approve the attached letters.

3. Close the file.

8/24/88
Date

LM Noble (LPL)
Lawrence M. Noble
General Counsel

Attachments
1. Response to Complaint
2. Proposed Letters (2).

Staff Person: Janice Lacy

8 8 0 4 0 7 2 2 6 0 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2612
George Bush for President, Inc.	)	
and J. Stanley Huckaby, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 31, 1988, the Commission decided by a vote of 6-0 to take the following actions in MUR 2612:

1. Find no reason to believe that George Bush for President, Inc. and J. Stanley Huckaby, as treasurer, violated 2 U.S.C. § 434(b)(8) and 11 C.F.R. § 104.11(a).

2. Approve the letters, as recommended in the General Counsel's report signed August 24, 1988.

3. Close the file.

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

Attest:

8/31/88
Date

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

Received in the Office of Commission Secretary:	Thurs.,	8-25-88,	11:0
Circulated on 48 hour tally basis:	Fri.,	8-26-88,	12:0
Deadline for vote:	Tues.,	8-30-88,	4:0

8804072260 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 8, 1988

Jan W. Baran, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2612
George Bush for President,
Inc. and J. Stanley Huckaby,
as treasurer

Dear Mr. Baran:

On May 25, 1988, the Federal Election Commission notified your clients, George Bush for President, Inc. and J. Stanley Huckaby, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On August 31, 1988, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe George Bush for President, Inc. and J. Stanley Huckaby, as treasurer, violated 2 U.S.C. § 434(b)(8) and 11 C.F.R. § 104.11(a). Accordingly, the Commission closed its file in this matter as it pertains to your clients.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 8, 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. B. L. Phillips, Jr.
General Manager
WAGL
P.O. Box 28
Lancaster, SC 29720

RE: MUR 2612

Dear Mr. Phillips:

On August 31, 1988, the Federal Election Commission reviewed the allegations of your complaint dated May 16, 1988, and found that on the basis of the information provided in your complaint, and information provided by the respondent, there is no reason to believe George Bush for President, Inc. and J. Stanley Huckaby, as treasurer, violated 2 U.S.C. § 434(b)(8) and 11 C.F.R. § 104.11. Accordingly, on August 31, 1988, the Commission closed the file in this matter. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2612

DATE FILMED 10/5/88 CAMERA NO. 2

CAMERAMAN MLC

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