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FEDERAL ELECTION COMMISSION

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

JANUARY 17, 1977

MEMORANDUM TO: THE COMMISSION
FROM : COMMISSION SECRETARY'S OFFICE
RE: MUR 268 (76)

mwe

Please note that the attached recommendation requires a reply no later than 5:00 p.m. on WEDNESDAY, JANUARY 19, 1977.

It is requested that objections, if any, be routed through the Office of Commission Secretary.

770400:1135

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OFFICE OF GENERAL COUNSEL





FEDERAL ELECTION COMMISSION

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

January 17, 1977

MEMORANDUM TO: THE COMMISSION
THROUGH: WILLIAM OLDAKER *W. O. O.*
FROM: CHARLES STEELE
DAVID STEIN
SUBJECT: FEC v. RICHARD ELLIS, U.S.D.C. New Hampshire

Attached is a proposed consent order, negotiated by the General Counsel's Office and the defendant's attorney.

We ask that you review the proposed order, and communicate your objections, if any, by 5:00 p.m. Wednesday, January 19, 1977.

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UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

FEDERAL ELECTION COMMISSION,)
)
 Plaintiff)
)
 v.) CIVIL ACTION NO. 764298
)
 RICHARD ELLIS,)
) CONSENT ORDER
 Defendant)

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This action was instituted by the plaintiff, Federal Election Commission, (hereinafter, "the Commission,") pursuant to the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et. seq.

The Commission alleges in the complaint that the defendant Ellis was a candidate for Federal office, within the meaning of 2 U.S.C. §431(b), in that his name was placed with the New Hampshire Secretary of State in nomination for election by the Republican Party to the U.S. House of Representatives from the First District of New Hampshire.

In the complaint the Commission alleges that the defendant Ellis has violated the Act, in that, as a candidate for Federal office, he failed and refused to designate a principal campaign committee, as required by 2 U.S.C. §432(e)(1); he failed and refused to file a quarterly report on July 10, 1976 disclosing campaign funds received and expended as required by 2 U.S.C. §434(a)(1)(C); he failed and refused to file a ten day pre-election report on September 4, 1976 as required by 2 U.S.C. §434(a)(1)(A)(i). The complaint further alleges that these

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B. The defendant Ellis hereby admits that the Federal Election Commission has jurisdiction over the subject matter of this proceeding.

C. The defendant Ellis hereby admits receipt of all notices sent to him by the Commission with regard to the defendant's obligations, as a candidate for Federal office, under the Federal Election Campaign Act of 1971, as amended.

D. The defendant Ellis hereby admits that, despite having received said notices, he failed to designate a principal campaign committee as required by 2 U.S.C. §432(e)(1), and failed to file a ten day pre-primary report on September 4, 1976, as required by 2 U.S.C. §434(a)(1)(A)(i).

E. The Commission, hereby acknowledges receipt, on November 5, 1976, of the defendant Ellis' July 10 report and ten day pre-primary report.

F. The defendant Ellis hereby admits that his failure to designate a principal campaign committee constitutes a violation of 2 U.S.C. §432(e)(1).

G. The defendant Ellis hereby admits that his failure to submit the report of campaign receipts and expenditures, due on September 4, 1976, constitutes a violation of 2 U.S.C. §434(a)(1)(A)(i).

H. Based upon the above admitted violations of 2 U.S.C. §432(e)(1), and §434(a)(1)(A)(i), and pursuant to 2 U.S.C. §437g, this Court imposes, and the defendant Ellis agrees to pay, a civil penalty in the amount of \$100.00.

I. This Court, hereby enjoins the defendant from continuing to violate now or in the future, the Federal Election Campaign Act of 1971, as amended.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Non-Filer/Richard Ellis) MUR 268 (76)

GENERAL COUNSEL'S REPORT

I. Allegation

Richard Ellis as a candidate for the U.S House of Representatives in the first district of New Hampshire has (1) failed to file reports required by 2 U.S.C. §434(a)(1) and (2) and; (2) failed to designate a principal campaign committee required by 2 U.S.C. §432(e)(1).

II. Evidence

Mr. Ellis's name appeared on the New Hampshire ballot for the September 14, 1976 primary election, as a candidate for the U.S. House of Representatives in the 1st district. No reports or statements have been filed by the candidate. His name does not appear in the index from the Clerk of House of Representatives.

The candidate received on August 13, 1976 the prior notice from the Commission informing him of the filing requirements for a federal candidate. He failed to file the ten day pre-election report due September 4, 1976. The Commission sent to the candidate a reason to believe letter

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for non-filers September 8, 1976 which he received September 9, 1976.

Failing to receive any response from the candidate, the Commission proceeded to send a reasonable cause to believe letter for non-filers September 10, 1976.

Mr. Ellis also failed to designate a principal campaign committee and received a special notice August 13, 1976 informing him to designate a principal campaign committee. Having not had any response to the special notice, the Commission sent a reason to believe letter for no principal campaign committee September 3, 1976.

The Commission did not receive any reply to any letters previously sent. Mr. Ellis lost the primary election receiving 5295 votes. On September 23, 1976, the Commission published Mr. Ellis's name on a non-filers list.

A follow up letter sent to and received by the candidate informed him of his name publication and the General Counsel's intention to recommend to the Commission that appropriate civil penalties be sought. To date no reply has been received.

III. Analysis

The candidate has failed to file any reports or statements in regard to his candidacy. The Commission has repeatedly

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Non-Filer/Richard Ellis) MUR 268 (76)

CERTIFICATION

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I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 12, 1976, the Commission determined by a vote of 6-0 that there was probable cause to believe that violations of the Federal Election Campaign Act of 1971, as amended, had been committed in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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PS Form 3811, Nov. 1973

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Charles King

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