



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MJR # 2772

DATE FILMED 4/26/89 CAMERA NO. 2

CAMERAMAN AS

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GUY VANDER JAGT, M.C.
CHAIRMAN

JOSEPH R. GAYLORD
EXECUTIVE DIRECTOR



320 FIRST STREET, S.E.
WASHINGTON, D.C. 20003

202-479-7000

OGC #912

Mr 2772

NATIONAL REPUBLICAN
CONGRESSIONAL COMMITTEE

November 7, 1988

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20004

Dear Mr. Noble:

This Complaint, by the National Republican Congressional Committee ("Complainant"), 320 First Street, S.E., Washington, D.C. 20003, against the Ad Hoc Committee for Job and Economic Development and Bruce Cox, as Treasurer, Box 862, Platte City MO 64079, is filed with Exhibits with the Federal Election Commission ("FEC") pursuant to 2 U.S.C section 437g(a) of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Ad Hoc Committee for Job and Economic Development ("the Committee") and Bruce Cox, as Treasurer, have violated the Act by knowingly and willfully failing to report its independent expenditure in opposition to Congressman Tom Coleman in violation of 2 U.S.C. section 434(c).

FEDERAL ELECTION COMMISSION
88 NOV -7 PM 12:46

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I. FACTS

On November 2, 1988 the Committee ran paid advertisements in The Northland Star and The Marshall, Mo. Democrat-News in opposition to Congressman Tom Coleman. The cost of the advertisements, as ascertained by contacting the newspapers, was \$629.20 and \$425.50, respectively. The Committee also ran a similar advertisement on November 4, 1988 in The Chillicothe Constitution Tribune. The confirmed cost of the Tribune advertisement, paid on November 3, 1988, was \$531.13. (Copies of the advertisements are attached).

The aggregated cost of the independent expenditure as of November 2, 1988 equaled \$1,054.70. On November 3, 1988 the aggregated cost equaled \$1,585.83. However, as of this date the Committee has failed to file the required 24 hour notice of the independent expenditure with the Clerk of the House of Representatives. Such failure represents a clear violation of the Act.

II. DISCUSSION

The Act provides that:

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Any independent expenditure aggregating \$1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made. Such statement shall be filed with the Clerk and shall contain the information required by 2 U.S.C. section 434(b)(6)(B)(iii) indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved. 2 U.S.C. section 434(c).

As noted above the Committee expended more than \$1,000 as of November 2, 1988 (clearly in the period between 24 days and 24 hours before the November 8th General Election). However, as of November 7, 1988, the Committee has failed to file the required 24 hour notice. Such failure, on its face, represents a clear violation of the Act.

III. CONCLUSION

By knowingly and willfully failing to report its independent expenditure in opposition to Congressman Tom Coleman, the Committee and Bruce Cox, as Treasurer, have violated the Act.

IV. PRAYER FOR RELIEF

Complainant requests that the FEC investigate this violation and enforce the Federal Election Campaign Act and the Commission's regulations.

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Complainant further requests that the FEC seek the maximum fine for this violation as set forth in 2 U.S.C. section 437g, and take all steps necessary, including civil and injunctive action, to prevent respondents from continuing their illegal activity.

V. VERIFICATION

The undersigned swears that the allegations and facts set forth in this complaint are true to the best of his knowledge, information and belief.

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Joseph R. Gaylord
Executive Director
National Republican
Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

Subscribed and sworn before me this ^{7th} 7 day of November, 1988.

Notary Public

My Commission Expires: ~~My~~ Commission Expires June 14, 1991

JOBS AND ECONOMIC DEVELOPMENT IN NORTHWEST MISSOURI

The Ford Motor Company recently announced a \$200 million investment in Clay County for new paint facilities. This means securing 4,000 good jobs for Northwest Missouri. That's good news, but TOM COLEMAN shows his disregard for this major investment by entering a Japanese truck in a Clay County parade.



- The Chamber of Commerce of Missouri lists the importance of good schools and hospitals as major inducements to bring and keep major business in our communities. Schools and hospitals have been closed and are being closed all over Northwest Missouri.

Where is our Congressman TOM COLEMAN? Are his children receiving their medical care and educations on the East Coast?

- The International Shoe Company closed its plant in Marshall, Missouri, which cost Northwest Missouri 350 jobs.

- 2 3 10 4 0 7 4 5 6 1 6
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Where was our Congressman TOM COLEMAN? Was he sitting behind his desk in Washington, D.C., with foreign-made shoes propped on his desk?

- **Northwest Missouri small-town businesses have been closing at record rates. Is there truth to the rumor that TOM COLEMAN is more interested in becoming an Ambassador to a foreign country than in being our representative in Congress?**

- **TWA provides 7,000 jobs in Northwest Missouri's Platte County. These jobs are in jeopardy because the F.A.A. wants to allow commercial aircrafts to be maintained by foreign mechanics. Alan Wheat, Missouri's Fifth District Congressman, is fighting to save those jobs.**

Where is our Congressman TOM COLEMAN? Does he realize there are jobs at stake?

- **Thirty million more jobs exist today than did in 1977 in the United States. However, since 1977, over 3,000 jobs have been lost in St. Joseph, Missouri.**

Where was our Congressman TOM COLEMAN? Has he done anything to help St. Joseph's depressed economy?

TOM COLEMAN has not led the fight for economic development or job creation in Northwest Missouri. Other districts in Missouri have congressmen who lead their districts in this fight.

VOTE AGAINST CONTINUING POLICIES OF ECONOMIC DECLINE AND LACK OF ECONOMIC LEADERSHIP IN NORTHWEST MISSOURI . . .

VOTE AGAINST TOM COLEMAN

*Paid for by the Ad Hoc Committee for Job and Economic Development, Bruce Cox, Treasurer
Paid political advertisement not sanctioned by any candidate or any political party.*

JOBS AND ECONOMIC DEVELOPMENT IN NORTHWEST MISSOURI

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VOTE AGAINST TOM COLEMAN

Paid for by the Ad Hoc Committee for Job and Economic Development

Bruce Cox, Treasurer
Box 882
Platte City, Missouri 64079

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JOBS AND ECONOMIC DEVELOPMENT IN NORTHWEST MISSOURI

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Paid political advertisement not sanctioned by any candidate or any political party.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

plm

November 9, 1988

SPECIAL DELIVERY

Joseph P. Gaylord
Executive Director
National Republican Congressional
Committee
120 First Street, SE
Washington, DC 20003

RE: MUR 2772

Dear Mr. Gaylord:

This letter acknowledges receipt on November 7, 1988, of your complaint against the Ad Hoc Committee For Job And Economic Development and Bruce Co. as treasurer, alleging violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. Sections 437g(a)(4)(B) and 437g(a)(2)(A) unless the respondents notify the Commission in writing that they wish the matter to be made public.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

87040745372



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1988

SPECIAL DELIVERY

Bruce Cox, Treasurer
Ad Hoc Committee For Job
And Economic Development
Box 650
Platte City, MO 64079

RE: MUR 2772
Ad Hoc Committee For
Job And Economic
Development and Bruce
Cox, as treasurer

Dear Mr. Cox:

This letter is to notify you that on November 7, 1988, the Federal Election Commission received a complaint which alleges that the Ad Hoc Committee For Job And Economic Development and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2772. 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 Ad Hoc Committee For Job And Economic Development 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. You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response, we have enclosed a pre-addressed, postage paid, special delivery envelope. If no response is received within 15 days, the Commission may take further action based on the available information.

The complaint may be dismissed by the Commission prior to the receipt of your response if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by overnight express mail.

This matter will remain confidential in accordance with Section 437g(d)(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.

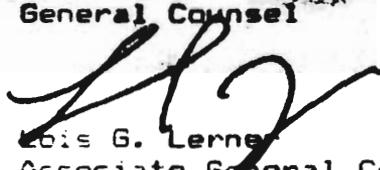
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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Celia Jacoby at (202) 374-5690.

Sincerely,

Lawrence M. Noble
General Counsel


By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Envelope
Form

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OLC 1205

Nov 27 12

RECEIVED
FEDERAL ELECTION COMMISSION
88 NOV 29 PM 2:45

Laurence M. Noble
General Counsel
Federal Election Commission
999 E. Street N.W.
Washington D.C. 20004

Dear Mr. Noble

This letter is in response to your letter on Nov. 9 bringing to my attention that a complaint was filed against the Ol Ha Committee for Job and Economic Development and myself as treasurer.

In response to the complaint about not having not notified the House Clerk within 24 hours I submit the following.

As treasurer of the committee I made every effort to comply with the rules and Federal Regulations. On Nov. 29 after having conciered the idea for advertisements against Congressman Coleman on Oct. 28 I set about raising money and wrote a letter to the Federal Election Commission and the Missouri Secretary of State on Oct. 29 to notify them of my intent. On Oct. 31 I called the Federal Election Commission to get as much information as possible. The Gentleman I spoke with told me he would send me the necessary forms and when I asked if there was anything else I needed to do the response was no not with us.

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Upon receiving the Statement of organization and ~~Form~~
form 3x from the F. E. C. I filled them out promptly
and sent a copy of each to the Missouri Secretary of
State.

It wasn't until Nov. 7 that it was brought to my
attention that I must also file or notify the House
Clerk. Immediately I called their office at which time
I was told that this was not a major problem but
should do so as soon as possible and they would
send me the necessary form which was another
statement of organization form. On Nov. 12 I
mailed that form to their office.

In concluding I would like to say I have given you
the facts concerning this matter and have made every
attempt to comply with the rules and regulations.
This is the first time myself or anyone in our committee
has ever been involved in any such activity and would
not have this time had we not felt strongly about
the issues we addressed.

Sincerely
Bruce J. Cox Treasurer

P.S. I have enclosed the copy of a letter from the F. E. C.
which was a reply to my original inquiry of Oct. 29.
Note the date of the reply, Nov. 7, 1988

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 7, 1988

Bruce Cox
Box 862
Platte City, MO 64079

Dear Mr. Cox:

This responds to your recent letter to our Public Records Office concerning the activities of a group of concerned citizens in Missouri's Sixth Congressional District.

Under the Federal Election Campaign Act (the Act) and the Commission's regulations, a group such as yours becomes a political committee when it exceeds \$1,000 in contributions or expenditures. Within ten days of passing the \$1,000 threshold, the group must file a Statement of Organization (FEC Form 1) with the Commission and with the appropriate state office. From the list of contributors that you enclosed with your letter, it appears that your group may have become a political committee and therefore would be required to file a Form 1. I have enclosed a complete registration packet for nonconnected committees; the "Campaign Guide" includes instructions for filing the Form 1. A political committee is required to file regular reports of receipts and disbursements (FEC Form 3X); I have enclosed a Form 3X. The next report is the post-election report, due December 8. I have also enclosed a schedule of reporting dates.

In addition, any independent expenditures aggregating \$1,000 or more made between 2 and 20 days before an election must be reported within 24 hours. The brochure "Independent Expenditures" explains what an independent expenditure is and outlines the reporting requirements.

With your letter, you enclosed advertising copy for proposed advertisements urging the reader to "vote against Tom Coleman." Under the Act, any communication which expressly advocates the election or defeat of a clearly identified candidate must bear a disclaimer clearly stating who paid for the communication and whether or not it was authorized by any candidate. The material you enclosed did not include such a disclaimer. For more information about disclaimer, please see "Political Ads and Solicitations."

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Bruce Cox
November 7, 1988
Page Two

Special requirements apply to single candidate committees. I have enclosed an article defining single candidate committee and explaining how such committees are treated under the Act.

This letter, which provides information about the provisions of the Act and the Commission's regulations, does not constitute an advisory opinion of the Commission. As the enclosed brochure explains, an advisory opinion can be issued only in response to a formal request which includes a complete description of all facts relevant to the specific activity.

I hope this information proves helpful. If you have additional questions, please call Janet Hess, a Public Affairs Specialist in the Information Services Division, on the Commission's toll-free line, 800/424-9530.

Sincerely,


Bobby Werfel, Chief
Information Services

Enclosures

cc: Janet Hess

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

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SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 2772
DATE COMPLAINT RECEIVED
BY OGC: 11-7-88
DATE OF NOTIFICATION
TO RESPONDENTS: 11-7-88
STAFF MEMBER: C. L. Jacoby

COMPLAINANT: Joseph R. Gaylord, Executive Director,
National Republican Congressional Committee

RESPONDENT: Ad Hoc Committee for Job and Economic
Development and Bruce Cox, as treasurer

Relevant Statutes: 2 U.S.C. § 434
11 C.F.R. § 104.5(g)

Internal Reports Checked: Disclosure Reports

Federal Agencies Checked: None

I. GENERATION OF MATTER

The complainant alleges that the Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer (the "Committee"), knowingly and willfully failed to report independent expenditures in violation of 2 U.S.C. § 434(c). The aggregated expenditures which the complainant asserts should have been reported were \$1,585.83. These costs were paid for advertisements which the Committee had published in The Northland Star and The Marshall, Mo., Democrat-News on November 2, 1988, and in The Chillicothe Constitution Tribune on November 4, 1988. In each instance, the complainant states that the Committee failed to file the required 24-hour notice of an independent expenditure with the Clerk of the House of Representatives. The Committee responded to this complaint on November 29, 1988.

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II. FACTUAL AND LEGAL ANALYSIS

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), a political committee (other than an authorized committee) must report each disbursement in excess of \$200 made in connection with an independent expenditure which that committee had made. 2 U.S.C. § 434(b)(6)(B)(iii). Further, any independent expenditure [including those described in Section 434(b)(6)(B)(iii)] aggregating \$1000 made within 20 days prior to, but more than 24 hours before, an election must be reported within 24 hours. 11 C.F.R. § 104.5(g), 2 U.S.C. § 434(c). Under the Act, any expenditure to expressly advocate the election or defeat of a clearly identified candidate is an independent expenditure if such expenditure were made without cooperation or consultation with and not made in concert with, or at the request or suggestion of, a candidate or candidate's committee. 2 U.S.C. § 431(17).

The advertisements published by the Committee discussed regional jobs and economic development. The advertisements stated that numerous jobs have been lost in the area, but Congressman Coleman "has not led the fight for economic development or job creation in Northwest Missouri . . . VOTE AGAINST TOM COLEMAN." The advertisements expressly exhorted voters to defeat a named federal candidate. The costs to publish such advertisements is an expenditure to influence a federal election. 2 U.S.C. § 431(9)(A)(i). According to the disclosure statement on the advertisements, the expenditure was a "[p]aid

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political advertisement not sanctioned by any candidate or any political party." As such the expenditure would be considered an independent expenditure subject to the reporting requirements under Section 434.

According to the complainant, the expenditures for these advertisements were incurred between November 2 and 4, 1988, and aggregated in excess of \$1000 as of November 2. Since the expenditures assertedly exceeded \$1000 and were made within 20 days, but more than 24 hours, before an election, filing the appropriate statement was required.

The Committee's response and the public records document the efforts that the Committee undertook to comply with the Act. On October 29, 1988, the Committee disclosed its intentions to publish a political advertisement, provided a copy of that advertisement and identified eight contributors in a written inquiry to the Federal Election Commission (the "Commission"). On November 4, the Committee filed its Statement of Organization with the Commission and on November 12 filed a statement with the Clerk of the House of Representatives. Both statements indicated that the Committee was formed in opposition to a single candidate, Tom Coleman. The Committee also filed a Pre-General Election and Termination Report which indicated receipts and disbursements totalling \$1466.83. That report which was filed on November 4 did not include a statement concerning independent expenditures. On November 14, the Committee amended its disclosure report, showing aggregate receipts and disbursements of \$2565.79 and a zero cash balance. The amended report included

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a sworn statement of independent expenditures of \$1998.96 in opposition to the Coleman candidacy.*/ These expenditures occurred between October 31 and November 3, 1988.

Because these sums in excess of \$1000 were spent within 20 days, but more than 24 hours, before the election on November 8, the required 24-hour notice should have been filed. A review of the public records did not disclose such filing although the expenditures were reported in the Committee's disclosure report of November 14, 1988.

Based on the complaint and the information on the public records, this Office recommends that the Commission find reason to believe that the Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer, violated 2 U.S.C. § 434(c) and 11 C.F.R. § 104.5(g).

III. RECOMMENDATIONS

1. Find reason to believe that the Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer, violated 2 U.S.C. § 434(c) and 11 C.F.R. § 104.5(g).

2. Approve the attached letter and Factual and Legal Analysis.

Lawrence M. Noble
General Counsel

12-15-88
Date

BY: *Lois G. Lerner*
Lois G. Lerner
Associate General Counsel

ATTACHMENTS

- 1. Response to complaint
- 2. Proposed letter
- 3. Proposed Factual and Legal Analysis

*/ These expenditures were \$630 on 11-1; \$425.70 on 10-31; \$398.28 on 10-31; \$532.13 on 11-3; and \$12.85 unitemized.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Ad Hoc Committee for Job and Economic)	MUR 2772
Development and Bruce Cox, as treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 20, 1988, the Commission decided by a vote of 5-0 to take the following actions in MUR 2772:

1. Find reason to believe that the Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer, violated 2 U.S.C. § 434(c) and 11 C.F.R. § 104.5(g).
2. Approve the letter and Factual and Legal Analysis, as recommended in the First General Counsel's report signed December 15, 1988.

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

Attest:

December 20, 1988

Date

Heidi Arnold

 for Marjorie W. Emmons
 Secretary of the Commission

Received in the Office of Commission Secretary:	Thurs.,	12-15-88, 4:03
Circulated on 48 hour tally basis:	Fri.,	12-16-88, 12:00
Deadline for vote:	Tues.,	12-20-88, 4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 29, 1988

Bruce Cox, Treasurer
Ad Hoc Committee for Job
and Economic Development
Box 862
Platte City, Missouri 64079

RE: MUR 2772
Ad Hoc Committee for Job and
Economic Development and Bruce
Cox, as treasurer

Dear Mr. Cox:

On November 7, 1988, the Federal Election Commission notified the Ad Hoc Committee for Job and Economic Development ("the Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on December 20, 1988, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 434(c), a provision of the Act and 11 C.F.R. § 104.5(g) of the Commission's regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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Bruce Cox, Treasurer
Page 2

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

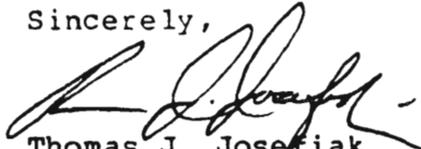
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Celia Jacoby, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Thomas J. Josefiak
Chairman

Enclosures
Designation of Counsel Form
Factual and Legal Analysis

87040745385

OCC 16 80

LAW OFFICES
BLAKE & UHLIG
SUITE 308
BROADWAY PLAZA BLDG.
3217 BROADWAY
KANSAS CITY, MO 64111
816/931-8883

KANSAS OFFICE
475 NEW BROTHERHOOD BLDG.
753 STATE AVENUE
KANSAS CITY, KANSAS 66101
913/321-8884

ROBERT L. UHLIG (1929-1981)
RICHARD B. THOMPSON (1952-1981)

JOHN J. BLAKE
RICHARD L. CALCARA
STEVE A. J. BUKATY
JOSEPH W. MORELAND**
ROBERT L. DAMERON**
THOMAS H. MARSHALL**
JAMES R. WAERS**
MARSHA J. MURPHY*
ELAINE M. EPPRIGHT
MICHAEL T. MANLEY**
MICHAEL J. STAPP
PAUL R. SCHMIDTLEIN*
PAUL E. SERRANO, JR.



* admitted in Missouri
** admitted in Missouri and Kansas
all others admitted in Kansas

January 24, 1989

FEDERAL ELECTION COMMISSION
89 JAN 27 PM 3:05

Ms. Celia Jacoby
Attorney
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2772
Ad Hoc Committee for Job and Economic Development

Dear Ms. Jacoby:

As we discussed in today's phone conference, my client, the Ad Hoc Committee for Job and Economic Development, would like to immediately enter into pre-probable cause conciliation concerning the minor infraction alleged in this case. The Committee desires to remedy any minor infraction that might have occurred and to cooperate with the F.E.C. to bring this entire matter to a speedy resolution. Please send to me any conciliation agreement that you wish to propose.

Thank you for your assistance in this matter.

Sincerely,

Marsha J. Murphy

MJM/rtd

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FEDERAL ELECTION COMMISSION
MAIL ROOM
89 JAN 27 AM 9:07

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

89 FEB 22 PM 3:20

In the Matter of)
Ad Hoc Committee for Job and) MUR 2772
Economic Development and Bruce Cox,)
as treasurer)

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

On December 20, 1988, the Federal Election Commission (the "Commission") found reason to believe that the Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer (the "Respondents"), violated 2 U.S.C. § 434(c) and 11 C.F.R. § 104.5(g). The Commission based its determination upon certain independent expenditures made by the Respondents on November 2 and 4, 1988, which were not reported until November 14, 1988. On January 24, 1989, Respondents sought resolution of this matter through the pre-probable cause conciliation process.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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III. RECOMMENDATIONS

1. Enter into conciliation with the Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Lawrence M. Noble
General Counsel

Date 2/22/89

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Request for conciliation
2. Proposed conciliation agreement
3. Proposed letter

Staff Assigned: C.L. Jacoby

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Ad Hoc Committee for Job and) MUR 2772
Economic Development and Bruce Cox,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 27, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2772:

1. Enter into conciliation with the Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter, as recommended in the General Counsel's report signed February 22, 1989.

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

Attest:

2/24/89
Date

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

Received in the Office of Commission Secretary: Wed., 2-22-89, 3:00
Circulated on 48 hour tally basis: Thurs., 2-23-89, 11:00
Deadline for vote: Mon., 2-27-89, 11:00

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plm



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 2, 1989

Marcia Murphy, Esquire
Blake & Uhlig
Suite 308 Broadway Plaza
3217 Broadway
Kansas City, Missouri 64111

RE: MUR 2772
Ad Hoc Committee for Job and
Economic Development and
Bruce Cox, as treasurer

Dear Ms. Murphy:

On December 20, 1988, the Federal Election Commission found reason to believe that your clients, the Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer, violated 2 U.S.C. § 434(c) and 11 C.F.R. § 104.5(g). At your request, on February 27, 1989, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

89040745390

MAR 24 PM 4:12

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Ad Hoc Committee for Job and)
Economic Development and Bruce Cox,)
as treasurer)

MUR 2772

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached for Commission approval is a conciliation agreement signed by Marcia Murphy, counsel for the Ad Hoc Committee for Job and Economic Development ("the Committee").

Accordingly, this Office recommends the Commission accept this agreement.

II. RECOMMENDATIONS

1. Approve the proposed agreement of Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer.
2. Approve the attached letters.

89040745391

3. Close the file in this matter.

Lawrence M. Noble
General Counsel

March 24, 1989
Date

BY: George F. Rishel
George F. Rishel
Acting Associate General
Counsel

Attachments

1. Conciliation Agreement
2. Proposed Letters (2)

Staff Person: Patty Reilly

89040745392

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Ad Hoc Committee for Job and) MUR 2772
Economic Development and)
Bruce Cox, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 29, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2772:

1. Approve the proposed agreement of Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer, as recommended in the General Counsel's Report signed March 24, 1989.
2. Approve the letters, as recommended in the General Counsel's Report signed March 24, 1989.
3. Close the file in this matter.

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

Attest:

3-29-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Fri., 03-24-89, 4:12
Circulated on 48 hour tally basis: Mon., 03-27-89, 11:00
Deadline for vote: Wed., 03-29-89, 11:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 3, 1989

Marsha Murphy, Esquire
Blake & Uhlig
Suite 308 Broadway Plaza
3217 Broadway
Kansas City, Missouri 64111

RE: MUR: 2772
Ad Hoc Committee for Job and
Economic Development and Bruce
Cox, as treasurer

Dear Ms. Murphy:

On March 29, 1989, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients behalf in settlement of violations of 2 U.S.C. § 434(c) and 11 C.F.R. 104.5(g), provisions of the Federal Election Campaign Act of 1971, as amended and the Commission's Regulations. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note the civil penalty check for \$125 is due thirty days from the date the Commission signed this agreement. If you have any

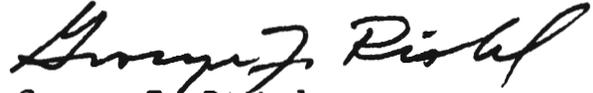
87040745394

Marsha Murphy
Page 2

questions, please contact Patty Reilly, the attorney assigned to
this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel



BY: George F. Rishel
Acting Associate General
Counsel

Enclosure
Conciliation Agreement

89040745395

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:)
)
Ad Hoc Committee for Job and) MUR 2772
Economic Development and)
Bruce Cox, as treasurer)

CONCILIATION AGREEMENT

3 9 0 4 0 7 4 5 3 9 5
This matter was initiated by a signed, sworn, and notarized complaint filed by the National Republican Congressional Committee. The Federal Election Commission (the "Commission") found reason to believe that the Ad Hoc Committee for Job and Economic Development and Bruce Cox, as treasurer (the "Respondents"), violated 2 U.S.C. § 434(c) and 11 C.F.R. § 104.5(g).

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

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

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

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

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

1. Ad Hoc Committee for Job and Economic Development is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Bruce Cox is the treasurer of the Ad Hoc Committee for Job and Economic Development.

3. Pursuant to 2 U.S.C. § 434(c) and 11 C.F.R. § 104.5(g), any independent expenditure [including those described in Section 434(b)(6)(B)(iii)] aggregating \$1,000 made within 20 days prior to, but more than 24 hours before, a federal election must be reported within 24 hours after such expenditure was made.

4. Any expenditure which expressly advocates the defeat of a clearly identified candidate is an independent expenditure if such expenditure were made without cooperation or consultation with and not made in concert with, or at the request or suggestion of, a candidate or candidate's committee. 2 U.S.C. § 431(17).

5. Respondents published an advertisement on November 2 and 4, 1988, which advertisement exhorted voters to defeat a named federal candidate.

6. The cost to publish this advertisement was \$1,998.96 and was reported by the Respondents on November 14, 1988 as an independent expenditure.

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7. The general election was held on November 8, 1988.

V. Respondents failed to report in a timely manner an independent expenditure aggregating in excess of \$1,000 and made within 20 days, but more than 24 hours, before a federal election in violation of 2 U.S.C. § 434(c) and 11 C.F.R. §104.5(g).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Hundred Twenty-five Dollars (\$125.00), pursuant to 2 U.S.C. § 437g(a) (5) (A).

2. Respondents contend that said violations were not knowing and willful.

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

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

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

89040745398

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: *Lois G. Lerner* *March 31, 1989*
Lois G. Lerner *by LGL* Date
Associate General Counsel

FOR THE RESPONDENTS:

BY: *Marsha J. Murphy* *March 15, 1989*
Marsha J. Murphy, Attorney Date
Ad Hoc Committee for
Job and Economic Development

89040745399



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 3, 1989

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Joseph R. Gaylord
Executive Director
National Republican Congressional
Committee
320 First Street, S.E.
Washington, D.C. 20003

RE: MUR 2772

Dear Mr. Gaylord:

This is in reference to the complaint you filed with the Federal Election Commission on November 7, 1988, concerning the Ad Hoc Committee for Job and Economic Development ("the Committee") and Bruce Cox, as treasurer.

The Commission found that there was reason to believe the Committee and its treasurer violated 2 U.S.C. § 434(c) and 11 C.F.R. § 104.5(g), provisions of the Federal Election Campaign Act of 1971, as amended, and the Commission's Regulations. On March 29, 1989, a conciliation agreement signed by the respondents was accepted by the Commission. Accordingly, the Commission closed the file in this matter on March 29, 1989. A copy of this agreement is enclosed for your information.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: *George F. Rishel*
George F. Rishel
Acting Associate General
Counsel

Enclosure
Conciliation Agreement

89090745400

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LAW OFFICES
BLAKE & UHLIG
SUITE 308
BROADWAY PLAZA BLDG.
3217 BROADWAY
KANSAS CITY, MO 64111
816/931-8883

KANSAS OFFICE
475 NEW BROTHERHOOD BLDG.
753 STATE AVENUE
KANSAS CITY, KANSAS 66101
913/321-8884

JOHN J. BLAKE
RICHARD L. CALCARA
STEVE A. J. BUKATY
JOSEPH W. MORELAND**
ROBERT L. DAMERON**
THOMAS H. MARSHALL**
JAMES R. WAERS**
MARSHA J. MURPHY*
ELAINE M. EPPRIGHT
MICHAEL T. MANLEY**
MICHAEL J. STAPP
PAUL R. SCHMIDTLEIN*
PAUL E. SERRANO, JR.

ROBERT L. UHLIG (1929-1981)
RICHARD B. THOMPSON (1952-1981)



*admitted in Missouri
**admitted in Missouri and Kansas
all others admitted in Kansas

April 12, 1989

COPIES 13 PM 3:24

RECEIVED

Ms. Patty Reilly
Federal Election Commission
Washington, D.C. 20463

RE: MUR: 2722
Ad Hoc Committee for Job and Economic Development

Dear Ms. Reilly:

Enclosed is a check for \$125.00 made out to the Federal Election Commission. This check is sent pursuant to the conciliation agreement signed for the Ad Hoc Committee for Job and Economic Development. Payment of this civil penalty should close this file.

Sincerely,

Marsha J. Murphy

MJM/vb
enc.
cc: Matt Snell
Bruce Cox

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RECEIVED

CLOSED

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BRUCE J. COX
P. O. BOX 862 816-431-2088
PLATTE CITY, MO 64079

March 15 1989 80-594/1012

PAY TO THE ORDER OF Federal Election Commission \$ 125⁰⁰/₁₀₀
One Hundred Twenty Five DOLLARS

WELLS BANK OF PLATTE CITY
Member Federal Deposit Insurance Corporation
P.O. Box 380
Platte City, Missouri 64079

Bruce J. Cox

MEMO _____

⑆101205940⑆ 0389 51659 7⑈

06C2504

MEMORANDUM

TO: DEBRA A. TRIMIEW TO: CECILIA LIEBER

FROM: CECILIA LIEBER FROM: DEBRA A. TRIMIEW

APR 13 11:3:21

CHECK NO. 389 { A COPY OF WHICH IS ATTACHED } RELATING TO
 NJR 2722 AND NAME Ad Hoc Committee For Job and Economic
 (Reilly) Development
 WAS RECEIVED ON 4/18/89. PLEASE INDICATE THE ACCOUNT INTO
 WHICH IT SHOULD BE DEPOSITED:

- BUDGET CLEARING ACCOUNT { 95F3675.16 }
- CIVIL PENALTIES ACCOUNT { 95-1099.160 }
- OTHER _____

SIGNATURE Debra A. Trimiew DATE 4/19/89



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2772

DATE FILMED 7/26/89 CAMERA NO. 2

CAMERAMAN AS

89040745403



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2772 .

89040752215



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 14, 1989

Ms. Theresa Moore
P. O. Box 7565
North Kansas City, MO 64116

RE: MUR 2772

Dear Ms. Moore:

Enclosed please find a copy of the conciliation agreement you requested in the above-captioned matter. If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel


By: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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