



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 2885

DATE FILMED 6/22/90 CAMERA NO. 4

CAMERAMAN AS

00040790686

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 23 March 1989

ANALYST: Robin Kelly

I. COMMITTEE: Jesse Jackson for President '88
Committee (C00217893)
Howard R. Renzi, Treasurer
30 West Washington Street, Suite 1215
Chicago, IL 60602

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(3)(A)(i)
11 CFR 104.5(b)(1)(i)

III. BACKGROUND:

Failure to Timely File a Report

The Jesse Jackson for President '88 Committee ("the Committee") has failed to file the 1988 Year End Report in a timely manner.

The Committee was notified on December 27, 1988, that the 1988 Year End Report was due on January 31, 1989 (Attachment 2). A Non-Filer Notice was sent to the Committee by express mail on February 7, 1989, for failure to file the 1988 Year End Report (Attachment 3). The Notice informed the Committee that failure to file the report within four (4) business days may result in publication, suspension of matching fund payments, audit or legal enforcement action.

On February 13, 1989, the treasurer, Howard Renzi, called the Reports Analysis Division to inform the analyst that the Year End Report would be received in our office by Wednesday, February 15th (Attachment 4).

The name of the Committee was published on February 15, 1989, for failure to file the 1988 Year End Report (Attachment 5).

The Committee filed the 1988 Year End Report on February 16, 1989 (Attachment 6).

90040790687

JESSE JACKSON FOR PRESIDENT
'88 COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

IV. OTHER PENDING MATTERS INITIATED BY RAD:

Referrals to the Office of General Counsel are in process for the Amended 1987 October and November Monthly Reports, the 1988 March, 1988 April, 1988 May and 1988 June Monthly Reports for failure to properly respond to a Second Notice.

90040790688

FEDERAL ELECTION COMMISSION
1987-1988
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 17MAR89

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL			
JACKSON, JESSE LOUIS	PRESIDENT DEMOCRATIC PARTY				1988 ELECTION	ID# P40001018	
1. STATEMENT OF CANDIDATE							
1987 STATEMENT OF CANDIDATE					22SEP87	1	87FEC/476/2787
STATEMENT OF CANDIDATE - AMENDMENT					28DEC87	2	87FEC/489/3988
1988 STATEMENT OF CANDIDATE - AMENDMENT					27JAN88	2	88FEC/489/5352
2. PRINCIPAL CAMPAIGN COMMITTEE							
JESSE JACKSON FOR PRESIDENT '88 COMMITTEE							ID #C00217893 PRESIDENTIAL
1987 STATEMENT OF ORGANIZATION					1OCT87	2	87FEC/476/3534
STATEMENT OF ORGANIZATION - AMENDMENT					16NOV87	2	87FEC/489/0641
OCTOBER MONTHLY		1,043,864		1,008,691	1JAN87 -30SEP87	240	87FEC/488/5096
OCTOBER MONTHLY - AMENDMENT		-		-	1JAN87 -30SEP87	77	88FEC/505/5200
OCTOBER MONTHLY - AMENDMENT		-		-	1JAN87 -30SEP87	33	88FEC/506/2814
OCTOBER MONTHLY - AMENDMENT		1,043,864		1,008,691	1JAN87 -30SEP87	40	88FEC/514/4473
REQUEST FOR ADDITIONAL INFORMATION					1JAN87 -30SEP87	3	87FEC/489/1076
REQUEST FOR ADDITIONAL INFORMATION 2ND					1JAN87 -30SEP87	4	87FEC/489/3898
REQUEST FOR ADDITIONAL INFORMATION					1JAN87 -30SEP87	2	88FEC/522/1241
REQUEST FOR ADDITIONAL INFORMATION 2ND					1JAN87 -30SEP87	5	88FEC/522/5249
NOVEMBER MONTHLY		367,759		348,465	1OCT87 -31OCT87	103	87FEC/489/0962
NOVEMBER MONTHLY - AMENDMENT		367,759		348,465	1OCT87 -31OCT87	33	88FEC/511/2092
NOVEMBER MONTHLY - AMENDMENT		-		-	1OCT87 -31OCT87	17	88FEC/511/2551
NOVEMBER MONTHLY - AMENDMENT		-		-	1OCT87 -31OCT87	17	88FEC/511/2597
NOVEMBER MONTHLY - AMENDMENT		-		-	1OCT87 -31OCT87	17	88FEC/511/3290
NOVEMBER MONTHLY - AMENDMENT		367,759		348,465	1OCT87 -31OCT87	48	88FEC/514/4514
REQUEST FOR ADDITIONAL INFORMATION					1OCT87 -31OCT87	11	87FEC/489/4591
REQUEST FOR ADDITIONAL INFORMATION 2ND					1OCT87 -31OCT87	12	88FEC/489/5227
REQUEST FOR ADDITIONAL INFORMATION					1OCT87 -31OCT87	2	88FEC/522/1244
REQUEST FOR ADDITIONAL INFORMATION 2ND					1OCT87 -31OCT87	10	88FEC/522/5244
DECEMBER MONTHLY		293,285		247,717	1NOV87 -30NOV87	50	87FEC/489/4536
DECEMBER MONTHLY - AMENDMENT		293,285		247,717	1NOV87 -30NOV87	41	88FEC/514/4563
DECEMBER MONTHLY - AMENDMENT		-		-	1NOV87 -30NOV87	15	88FEC/517/0163
REQUEST FOR ADDITIONAL INFORMATION					1NOV87 -30NOV87	2	88FEC/489/5385
REQUEST FOR ADDITIONAL INFORMATION 2ND					1NOV87 -30NOV87	3	88FEC/506/3141
1 ST LETTER INFORMATIONAL NOTICE					1NOV87 -30NOV87	1	88FEC/522/1431
YEAR-END		311,750		406,107	1DEC87 -31DEC87	110	88FEC/506/1314
YEAR-END - AMENDMENT		311,750		406,107	1DEC87 -31DEC87	69	87FEC/522/1311
YEAR-END - AMENDMENT		-		-	1DEC87 -31DEC87	80	88FEC/522/1541
NOTICE OF FAILURE TO FILE					1DEC87 -31DEC87	1	88FEC/506/2967
REQUEST FOR ADDITIONAL INFORMATION					1DEC87 -31DEC87	3	88FEC/511/1788
REQUEST FOR ADDITIONAL INFORMATION 2ND					1DEC87 -31DEC87	4	88FEC/514/3787
1988 STATEMENT OF ORGANIZATION - AMENDMENT					12SEP88	10	88FEC/544/3089
STATEMENT OF ORGANIZATION - AMENDMENT					26SEP88	2	88FEC/548/0855
STATEMENT OF ORGANIZATION - AMENDMENT					11OCT88	9	88FEC/548/1931
STATEMENT OF ORGANIZATION - AMENDMENT					4NOV88	10	88FEC/558/2491
FEBRUARY MONTHLY		1,261,058		756,756	1JAN88 -31JAN88	56	88FEC/511/1677
FEBRUARY MONTHLY - AMENDMENT		-		-	1JAN88 -31JAN88	27	88FEC/514/3952

90040790689

FEDERAL ELECTION COMMISSION
1987-1988

DATE 17MAR89

CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

PAGE 2

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/ PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
		PRIMARY	GENERAL	PRIMARY	GENERAL			
FEBRUARY MONTHLY	- AMENDMENT	-	-	-	-	1JAN88 -31JAN88	14	88FEC/527/3752
FEBRUARY MONTHLY	- AMENDMENT	1,261,058	-	770,057	-	1JAN88 -31JAN88	6	88FEC/531/2939
FEBRUARY MONTHLY	- AMENDMENT	1,261,058	-	770,057	-	1JAN88 -31JAN88	23	88FEC/531/3153
FEBRUARY MONTHLY	- AMENDMENT	-	-	-	-	1JAN88 -31JAN88	70	88FEC/539/3387
FEBRUARY MONTHLY	- AMENDMENT	-	-	-	-	1JAN88 -31JAN88	13	88FEC/548/1256
REQUEST FOR ADDITIONAL INFORMATION						1JAN88 -31JAN88	2	88FEC/511/3541
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JAN88 -31JAN88	2	88FEC/514/4622
REQUEST FOR ADDITIONAL INFORMATION						1JAN88 -31JAN88	5	88FEC/522/0459
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JAN88 -31JAN88	1	88FEC/522/4100
REQUEST FOR ADDITIONAL INFORMATION 2ND						1JAN88 -31JAN88	1	88FEC/522/4101
MARCH MONTHLY		1,428,467	-	1,510,026	-	1FEB88 -29FEB88	86	88FEC/514/3834
MARCH MONTHLY	- AMENDMENT	1,428,467	-	1,510,026	-	1FEB88 -29FEB88	13	88FEC/539/3494
MARCH MONTHLY	- AMENDMENT	-	-	-	-	1FEB88 -29FEB88	43	88FEC/544/0779
MARCH MONTHLY	- AMENDMENT	1,428,467	-	1,615,886	-	1FEB88 -29FEB88	43	88FEC/544/3040
MARCH MONTHLY	- AMENDMENT	-	-	-	-	1FEB88 -29FEB88	37	88FEC/548/1270
REQUEST FOR ADDITIONAL INFORMATION						1FEB88 -29FEB88	3	88FEC/517/2188
REQUEST FOR ADDITIONAL INFORMATION 2ND						1FEB88 -29FEB88	7	88FEC/522/4093
APRIL MONTHLY		2,767,330	-	2,329,803	-	1MAR88 -31MAR88	131	88FEC/522/0531
APRIL MONTHLY	- AMENDMENT	2,767,330	-	2,476,783	-	1MAR88 -31MAR88	43	88FEC/544/3191
APRIL MONTHLY	- AMENDMENT	-	-	-	-	1MAR88 -31MAR88	56	88FEC/548/1179
REQUEST FOR ADDITIONAL INFORMATION						1MAR88 -31MAR88	3	88FEC/522/4190
REQUEST FOR ADDITIONAL INFORMATION 2ND						1MAR88 -31MAR88	4	88FEC/527/3949
MAY MONTHLY		4,611,886	-	4,056,094	-	1APR88 -30APR88	443	88FEC/527/3236
MAY MONTHLY	- AMENDMENT	-	-	-	-	1APR88 -30APR88	47	88FEC/548/2462
REQUEST FOR ADDITIONAL INFORMATION						1APR88 -30APR88	2	88FEC/531/2977
REQUEST FOR ADDITIONAL INFORMATION 2ND						1APR88 -30APR88	3	88FEC/539/2201
JUNE MONTHLY		3,943,364	-	4,160,061	-	1MAY88 -31MAY88	54	88FEC/531/2823
JUNE MONTHLY	- AMENDMENT	-	-	-	-	1MAY88 -31MAY88	36	88FEC/548/3056
REQUEST FOR ADDITIONAL INFORMATION						1MAY88 -31MAY88	2	88FEC/539/2794
REQUEST FOR ADDITIONAL INFORMATION 2ND						1MAY88 -31MAY88	3	88FEC/539/3743
JULY MONTHLY		1,750,291	-	2,471,574	-	1JUN88 -30JUN88	42	88FEC/539/2846
JULY MONTHLY	- AMENDMENT	-	-	-	-	1JUN88 -30JUN88	108	88FEC/539/3189
NOTICE OF FAILURE TO FILE						1JUN88 -30JUN88	1	88FEC/539/2766
AUGUST MONTHLY		2,145,247	-	1,853,486	-	1JUL88 -31JUL88	58	88FEC/544/0515
SEPTEMBER MONTHLY		1,215,614	-	1,143,440	-	1AUG88 -31AUG88	77	88FEC/548/0516
OCTOBER MONTHLY		1,012,362	-	1,072,714	-	1SEP88 -30SEP88	68	88FEC/558/0294
NOVEMBER MONTHLY		419,660	-	371,087	-	1OCT88 -31OCT88	49	88FEC/558/4494
NOTICE OF FAILURE TO FILE						1OCT88 -31OCT88	1	88FEC/558/4388
DECEMBER MONTHLY		524,692	-	555,997	-	1NOV88 -30NOV88	22	88FEC/571/2420
DECEMBER MONTHLY	- AMENDMENT	-	-	-	-	1NOV88 -30NOV88	26	89FEC/571/5093
YEAR-END		261,862	-	190,905	-	1DEC88 -31DEC88	104	89FEC/571/4976
NOTICE OF FAILURE TO FILE						1DEC88 -31DEC88	1	89FEC/571/4858

90040790690

TOTAL 23,358,491 0 22,749,064 0 2924 TOTAL PAGES

3. AUTHORIZED COMMITTEES

JESSE JACKSON FOR PRESIDENT

ID #C00172239 PRESIDENTIAL

FEDERAL ELECTION COMMISSION
1987-1988
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 17MAR89

PAGE 3

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION TYPE OF FILER
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL			
1985 APRIL QUARTERLY		335,303		426,118	1JAN85 -31MAR85	78	85FEC/333/0777
APRIL QUARTERLY - AMENDMENT		335,303		428,424	1JAN85 -31MAR85	7	85FEC/333/1610
JULY QUARTERLY		34,320		17,548	1APR85 -30JUN85	21	85FEC/333/3926
JULY QUARTERLY - AMENDMENT		5,136		8,045	1APR85 -30JUN85	25	85FEC/333/4456
OCTOBER QUARTERLY		2,884		-	1JUL85 -30SEP85	17	85FEC/334/0151
YEAR-END		2,025		1,727	1OCT85 -31DEC85	14	86FEC/334/2301
1986 APRIL QUARTERLY		357		1,616	1JAN86 -31MAR86	12	86FEC/334/2967
JULY QUARTERLY		1,018		350	1APR86 -30JUN86	13	86FEC/334/5006
OCTOBER QUARTERLY		1,585		2,196	1JUL86 -30SEP86	15	86FEC/425/1059
OCTOBER QUARTERLY - AMENDMENT		1,585		2,196	1JUL86 -30SEP86	16	86FEC/425/2257
YEAR-END - AMENDMENT		3,025		4,025	1OCT86 -31DEC86	12	87FEC/425/2819
1987 APRIL QUARTERLY		23		422	1JAN87 -31MAR87	13	87FEC/470/1512
JULY QUARTERLY		6,122		0	1APR87 -30JUN87	15	87FEC/475/4865
JULY QUARTERLY - AMENDMENT		6,122		0	1APR87 -30JUN87	17	87FEC/476/1555
REQUEST FOR ADDITIONAL INFORMATION					1APR87 -30JUN87	4	87FEC/482/3059
OCTOBER QUARTERLY		0		3,500	1JUL87 -30SEP87	10	87FEC/489/0471
OCTOBER QUARTERLY - AMENDMENT		0		3,500	1JUL87 -30SEP87	11	88FEC/506/1176
REQUEST FOR ADDITIONAL INFORMATION					1JUL87 -30SEP87	1	87FEC/489/4589
REQUEST FOR ADDITIONAL INFORMATION 2ND					1JUL87 -30SEP87	2	88FEC/489/5224
YEAR-END		13,000		13,000	1OCT87 -31DEC87	12	88FEC/505/5155
1988 APRIL QUARTERLY		0		0	1JAN88 -30MAR88	10	88FEC/517/0522
JULY QUARTERLY		56,000		34,057	1APR88 -30JUN88	15	88FEC/539/3687
1'ST LETTER INFORMATIONAL NOTICE					1APR88 -30JUN88	1	89FEC/571/4815
1'ST LETTER INFORMATIONAL NOTICE					1APR88 -30JUN88	1	89FEC/571/4815
OCTOBER QUARTERLY		0		0	1JUL88 -30SEP88	10	88FEC/548/3159
YEAR-END		0		0	1OCT88 -31DEC88	10	89FEC/571/4780

362 TOTAL PAGES

90040790691

JESSE JACKSON FOR PRESIDENT 88 COMMITTEE-CALIFORNIA

1987 STATEMENT OF ORGANIZATION							
STATEMENT OF ORGANIZATION - AMENDMENT							
YEAR-END		47,480		47,253			
1988 FEBRUARY MONTHLY		17,822		15,892			
MARCH MONTHLY		43,865		45,468			
MARCH MONTHLY - AMENDMENT		-		-			
APRIL MONTHLY		231,087		150,275			
APRIL MONTHLY - AMENDMENT		231,087		150,275			
REQUEST FOR ADDITIONAL INFORMATION							
REQUEST FOR ADDITIONAL INFORMATION 2ND							
MAY MONTHLY		251,148		324,346			
MAY MONTHLY - AMENDMENT		251,148		324,346			
MAY MONTHLY - AMENDMENT		-		-			
MAY MONTHLY - AMENDMENT		251,148		324,346			
REQUEST FOR ADDITIONAL INFORMATION							
REQUEST FOR ADDITIONAL INFORMATION 2ND							

ID #C00217265 PRESIDENTIAL

31AUG87	2	87FEC/476/2251
28DEC87	2	87FEC/489/3986
1JAN87 -31DEC87	17	88FEC/506/1455
1JAN88 -31JAN88	9	88FEC/511/1662
1FEB88 -29FEB88	15	88FEC/514/3601
1FEB88 -29FEB88	1	88FEC/544/0577
1MAR88 -31MAR88	42	88FEC/522/1139
1MAR88 -31MAR88	32	88FEC/539/2340
1MAR88 -31MAR88	1	88FEC/522/4194
1MAR88 -31MAR88	2	88FEC/527/3954
1APR88 -30APR88	54	88FEC/527/3094
1APR88 -30APR88	22	88FEC/539/2372
1APR88 -30APR88	1	88FEC/544/0579
1APR88 -30APR88	23	88FEC/544/0592
1APR88 -30APR88	2	88FEC/531/2980
1APR88 -30APR88	3	88FEC/539/2205

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/ PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
JUNE MONTHLY		779,879		778,954		1MAY88 -31MAY88	159	88FEC/531/2992
JUNE MONTHLY	- AMENDMENT	779,879		778,954		1MAY88 -31MAY88	82	88FEC/539/2394
JUNE MONTHLY	- AMENDMENT	779,879		778,954		1MAY88 -31MAY88	158	88FEC/548/0917
JUNE MONTHLY	- AMENDMENT	-		-		1MAY88 -31MAY88	44	88FEC/548/1841
REQUEST FOR ADDITIONAL INFORMATION						1MAY88 -31MAY88	2	88FEC/539/2797
REQUEST FOR ADDITIONAL INFORMATION 2ND						1MAY88 -31MAY88	1	88FEC/539/3747
JULY MONTHLY		397,740		402,084		1JUN88 -30JUN88	102	88FEC/539/2644
AUGUST MONTHLY		95,348		99,663		1JUL88 -31JUL88	19	88FEC/539/5386
SEPTEMBER MONTHLY		30,643		30,114		1AUG88 -31AUG88	8	88FEC/548/0869
OCTOBER MONTHLY		55,606		40,168		1SEP88 -30SEP88	7	88FEC/558/0368
NOVEMBER MONTHLY	- TERMINATED	2,165-		14,237		1OCT88 -31OCT88	9	88FEC/558/2738

819 TOTAL PAGES

JESSIE JACKSON FOR PRESIDENT 1988

ID #C00226324 PRESIDENTIAL

1988 STATEMENT OF ORGANIZATION

21APR88 2 88FEC/517/5296

JULY QUARTERLY

4,324

3,900

1APR88 -15JUL88 3 88FEC/531/4547

OCTOBER QUARTERLY

0

10

15JUL88 -15OCT88 3 88FEC/548/1899

YEAR-END

0

414

15OCT88 -31JAN89 5 89FEC/571/2476

13 TOTAL PAGES

NEW YORKERS FOR JESSE JACKSON '88

ID #C00221739 PRESIDENTIAL

1988 STATEMENT OF ORGANIZATION

27JAN88 1 88FEC/489/5355

PRE-PRIMARY

250,779

222,377

28JAN88 -31MAR88 699 88FEC/514/4627

PRE-PRIMARY - AMENDMENT

-

-

28JAN88 -31MAR88 1 88FEC/531/3391

REQUEST FOR ADDITIONAL INFORMATION

28JAN88 -31MAR88 2 88FEC/522/1238

REQUEST FOR ADDITIONAL INFORMATION 2ND

28JAN88 -31MAR88 3 88FEC/522/5260

JULY QUARTERLY

1,206,835

1,104,993

1APR88 -30JUN88 353 88FEC/531/4680

OCTOBER QUARTERLY

62,158

170,038

1JUL88 -30SEP88 217 88FEC/558/2148

1276 TOTAL PAGES

OREGONIANS FOR JESSE JACKSON

ID #C00225953 PRESIDENTIAL

1988 STATEMENT OF ORGANIZATION

15APR88 3 88FEC/517/0784

APRIL QUARTERLY

17,446

14,390

1JAN88 -31MAR88 15 88FEC/517/0769

18 TOTAL PAGES

2488 AUTH TOT PAGES

4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

All new reports through the June Monthly have been reviewed.

Ending cash-on-hand as of 12/31/88: \$275,746.25

Debts owed to the Committee as of 12/31/88: \$33,889.65

Debts owed by the Committee as of 12/31/88: \$185,236.40

90040790692

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PRESIDENTIAL COMMITTEES

December 27, 1988

REPORT	PERIOD COVERED	REG./CERT.	
		MAILING DATE*	FILING DATE
Year-End	11/29/88**-12/31/88	01/31/89	01/31/89

WHO MUST FILE

ALL PRINCIPAL CAMPAIGN COMMITTEES OF PRESIDENTIAL "CANDIDATES" must file a Year-End Report.

WHAT MUST BE REPORTED

All financial activity (not previously reported) that occurred during the reporting period must be disclosed.

REPORTING FORMS

Candidate committees use FORM 3P (enclosed). If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on page 5 of Form 3P.

WHERE TO FILE

Consult the instructions on the back of the FORM 3P Summary Page. Note state filing requirements also.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

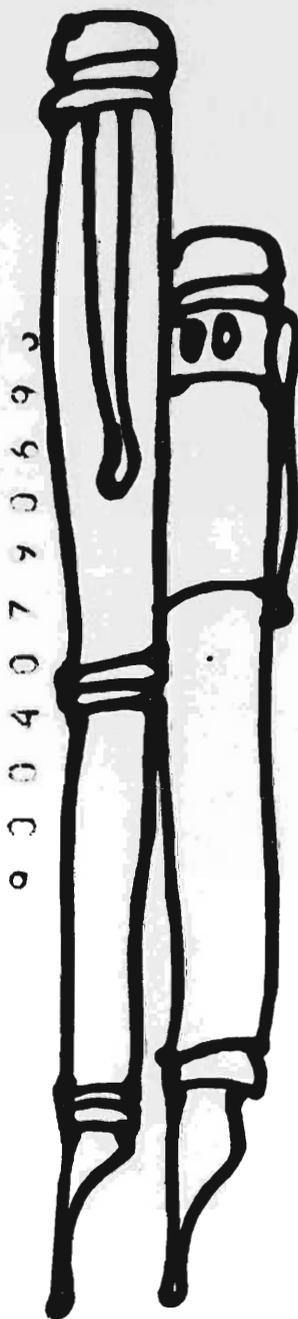
COMPLIANCE

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

**Or from the date of registration, or the close of books of the last report filed, whichever is later.

FOR INFORMATION, Call: 202/376-3120 or 800/424-9530





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

EQ-7

February 7, 1989

Howard R. Renzi, Treasurer
Jesse Jackson for President
'88 Committee
30 West Washington Street, Suite 1215
Chicago, IL 60602

Identification Number: C00217893

Reference: YEAR END REPORT (12/1/88-12/31/88)

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Expenditures as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

You will be allowed four (4) business days from the date of this notice to file the Year End Report. The report should be filed with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463. A copy of the report should also be filed with the appropriate Secretary of State or equivalent state officer (see 11 CFR 108.2).

If you have filed the report timely by certified or registered mail, please notify us immediately, in writing, of the certified or registered number and the date that the report was sent. The failure to file this report may result in publication, suspension of matching fund payments, audit or legal enforcement action.

If you have any questions regarding this matter, please contact the Reports Analysis Division on our toll free number (800) 424-9530 or on our local number (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

This notice was sent by express mail.

90040740694
R3035714858

MEMORANDUM FOR FILES: TELECON

SUBJECT: Late Filing of 1988 Year End Report

FROM: Howard Renzi, Treasurer (312) 750-1900

TO: Robin Kelly, RAD Analyst

NAME OF COMMITTEE: Jesse Jackson for President '88 Committee

DATE: 2/13/89

Mr. Renzi, the Treasurer, called the Reports Analysis Division to inform the analyst that the 1988 Year End Report would be received by Wednesday (February 15th). The analyst was not in, and a message was left.

900040790695

FEDERAL ELECTION COMMISSION

Press Office
999 E Street, N.W., Washington, D.C. 20463
Phone: Local 376-3155 Toll Free 800-424-9530



FOR IMMEDIATE RELEASE:
WEDNESDAY, FEBRUARY 15, 1989

CONTACT: FRED EILAND
SHARON SNYDER
SCOTT MOXLEY

1988 PRESIDENTIAL CAMPAIGNS FAIL TO FILE YEAR END REPORTS

WASHINGTON — The Federal Election Commission today cited two 1988 Presidential campaign committees with failure to file the required Year End financial disclosure report, covering activity from December 1, 1988, through December 31, 1988.

Failure to file by 5 p.m., February 14, resulted in this publication for the following committees:

BEN FERNANDEZ FOR PRESIDENT COMMITTEE...ANNIE PADILLA, TREAS...BEN FERNANDEZ (REP)
JESSE JACKSON FOR PRESIDENT '88 COMMITTEE...HOWARD R. RENZI, TREAS...JESSE JACKSON (DEM)

The reports were to have been filed January 31, 1989, and would have detailed financial activity for the month of December. If sent by certified or registered mail, the report should have been postmarked by midnight January 31.

On February 7, the committees were notified by express mail that the FEC had not yet received the monthly reports. The campaigns had four business days, from the date of the notice, to respond. Prior notification of the required filing was sent to the committees on December 27, 1988.

During an election year, Presidential campaign committees that raise or spend over \$100,000 are required to report on a monthly basis. Those reports are due on the 20th of each month, covering financial activity during the prior month. Year End reports are due January 31 of the following year.

Further Commission action against non-filers and late filers will be decided on a case-by-case basis. The Federal Election Campaign Act gives the Commission broad authority to initiate enforcement actions, including civil court enforcement and the imposition of civil penalties (\$5,000 for "any violation" and \$10,000 for any "knowing and willful" violation) for infractions of the law, including failure to file required disclosure reports.

FEB-15-89 WED 10:52 Renzi, Pinti & Co.

P. 112

Jesse Jackson

09 FEB 16 11:12:43



February 15, 1989

John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: Year End Report
(12/1/88 - 12/31/88)

Dear Mr. Gibson:

In response to your letter dated February 7, 1989 which I received on February 10, 1989, and pursuant to my telephone conversation with your office on February 13, 1989, I am submitting the Jesse Jackson for President '88 Committee's Report of Receipts and Expenditures Year End Report (12/1/88 - 12/31/88).

If you or your staff have any questions regarding this report or if I can be of further assistance, please do not hesitate to call me on Monday through Wednesday at (609) 858-7887 or on Thursday and Friday at (312) 750-1900.

Sincerely,

Howard R. Renzi
National Treasurer

HR/tih
Enclosures

cc: Cirilo McSween
Lester McKeever
Jerry Bell
Eric Graham
James Hewitt



30 WEST WASHINGTON STREET SUITE 300 CHICAGO, ILLINOIS 60602 (312) 855-3773

97035711976

**REPORT OF RECEIPTS AND DISBURSEMENTS
 BY AN AUTHORIZED COMMITTEE OF A
 CANDIDATE FOR THE OFFICE OF PRESIDENT**

RECEIVED
 FEDERAL ELECTION COMMISSION
 ADMINISTRATION DIVISION

NOTE: This report is to be used by an authorized committee of a candidate seeking nomination or election as President or Vice President of the United States whether or not public funds are used.

USE FOR CANDIDATE LIST OR TYPE ON FRONT	1. NAME OF COMMITTEE (on form) Jesse Jackson for President '88 Committee	2. IDENTIFICATION NUMBER P1001010
	3. ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 30 W. Washington Street #1215	4. IS THIS REPORT OF RECEIPTS AND DISBURSEMENTS FOR
	5. CITY, STATE and ZIP CODE Chicago, IL 60602	<input checked="" type="checkbox"/> Primary <input type="checkbox"/> General

6. TYPE OF REPORT ("X" appropriate box and complete, if applicable)	<input type="checkbox"/> Amendment for Report	<input type="checkbox"/> Monthly Report (month)	<input type="checkbox"/> Tenth Day Before Election
	<input type="checkbox"/> April 15 Quarterly Report	<input checked="" type="checkbox"/> January 31 Year-end Report	<input type="checkbox"/> Tenth Day After Election
	<input type="checkbox"/> July 15 Quarterly Report	<input type="checkbox"/> Termination Report	7. TYPE OF ELECTION
	<input type="checkbox"/> October 15 Quarterly Report		STATE: _____ ELECTION DATE: _____

COMMITTEE SUMMARY OF RECEIPTS AND DISBURSEMENTS

8. COVERING PERIOD	FROM December 1, 1988	THROUGH December 31, 1988
--------------------	---------------------------------	-------------------------------------

9. SUMMARY	6. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD	204,789.11
	7. TOTAL RECEIPTS THIS PERIOD (From Line 22 Column A)	261,862.56
	8. SUBTOTAL (Add Line 6 and 7)	466,651.67
	9. TOTAL DISBURSEMENTS THIS PERIOD (From Line 30 Column A)	190,905.42
	10. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 9 from 8)	275,746.25
	11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Itemize All on Schedule C or Schedule D)	33,859.65
	12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Itemize All on Schedule C or Schedule D)	185,236.40
	13. EXPENDITURES SUBJECT TO LIMITATION (From FEC Form 3P, Page 4)	14,637,562.00
	14. NET CONTRIBUTIONS (Other than Loans) (Subtract Line 28d Column B from 17e Column B)	7,203,541.00
	15. NET OPERATING EXPENDITURES (Subtract Line 20a Column B from 23 Column B)	12,954,689.30
NET YEAR-TO-DATE CONTRIBUTIONS AND EXPENDITURES		

I hereby certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER HOWARD RENZI	DATE 01/31/89
SIGNATURE OF TREASURER <i>Howard Renzi</i>	

For further information, contact:
 Federal Election Commission
 Toll Free 800-424-9530
 Local 378-3120

NOTE: Submission of false or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 437g.
 A previous version of FEC Form 3P are obsolete and should no longer be used.

90040740698
 A90357140

RECEIVED
FEDERAL ELECTION COMMISSION

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

89MAY 16 PM 5:11

FIRST GENERAL COUNSEL'S REPORT

RAD Referral: 89NF-52
Staff Member: Mary Ann Bungarner

SOURCE OF MUR: **I N T E R N A L L Y G E N E R A T E D**
RESPONDENTS: Jesse Jackson for President '88 Committee
Howard R. Renzi, treasurer
RELEVANT STATUTE: 2 U.S.C. § 434(a)(3)(A)(i)
INTERNAL REPORTS CHECKED: Referral Materials
FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Jesse Jackson for President '88 Committee ("the Committee") to the Office of the General Counsel on March 23, 1989. (Attachment 1). The basis for the attached referral is the Committee's failure to file the 1988 Year End Report in a timely manner.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that during an election year, Presidential campaign committees that raise over \$100,000 are required to report on a monthly basis. These reports are due on the 20th of each month, covering financial activity during the prior month. Year End Reports are due no later than January 31 of the following year. 2 U.S.C. § 434(a)(3)(A)(i).

90040740699

The Committee did not file its Year End Report until February 16, 1989, sixteen (16) days late. Accordingly, the Office of the General Counsel recommends that the Commission open a MUR and find reason to believe that the Committee violated 2 U.S.C. § 434(a)(3)(A)(i).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

90040740700

IV. RECOMMENDATIONS

1. Open a Matter Under Review.
2. Find reason to believe the Jesse Jackson for President '88 Committee and Howard R. Renzi, as treasurer, violated 2 U.S.C. § 434(a) (3) (A) (i).
3. Enter into conciliation with the Jesse Jackson for President '88 Committee and Howard R. Renzi, as treasurer, prior to a finding of probable cause to believe.
4. Approve the attached letter, factual and legal analysis and proposed conciliation agreement.

Lawrence M. Noble
General Counsel

May 16, 1989
Date

By: George F. Rishel
George F. Rishel, Acting
Assistant General Counsel

Attachments

1. Referral Materials
2. Proposed Conciliation Agreement
3. Letter and Factual and Legal Analysis

90040790701

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Jesse Jackson for President)
'88 Committee)
Howard R. Renzi, treasurer)

RAD Ref. 89NF-52

(MUR
2885)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 19, 1989, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 89NF-52:

1. Open a Matter Under Review.
2. Find reason to believe the Jesse Jackson for President '88 Committee and Howard R. Renzi, as treasurer, violated 2 U.S.C. § 434(a)(3)(A)(i).
3. Enter into conciliation with the Jesse Jackson for President '88 Committee and Howard R. Renzi, as treasurer, prior to a finding of probable cause to believe.

(Continued)

90040790702

4. Approve the letter, factual and legal analysis and proposed conciliation agreement, as recommended in the First General Counsel's report signed May 16, 1989.

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

Attest:

May 19, 1989
Date

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

Received in the Office of Commission Secretary:	Tues.,	5-16-89,	5:11
Circulated on 48 hour tally basis:	Wed.,	5-17-89,	4:00
Deadline for vote:	Fri.,	5-19-89,	4:00

90040790703

rlm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 31, 1989

Howard R. Renzi, Treasurer
Jesse Jackson for President '88
Committee
30 West Washington Street
Suite 1215
Chicago, IL 60602

RE: MUR 2885

Dear Mr. Renzi:

On May 19, 1989, the Federal Election Commission found that there is reason to believe Jesse Jackson for President '88 ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(3)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

In order to expedite the resolution of this matter, the Commission has also decided to offer 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.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign

90040790704

Howard R. R. Renzi
Page 2

and return the agreement, 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.

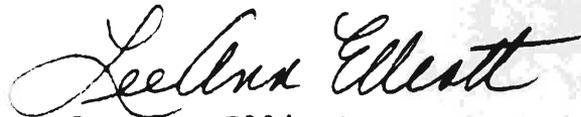
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 investigation to be made public.

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

Sincerely,



Lee Ann Elliott
Vice Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

90040790703

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

**RESPONDENTS: Jesse Jackson for President '88
Committee and Howard R. Renzi, as
treasurer**

MUR: 2885

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that, during an election year, Presidential campaign committees that raise or spend over \$100,000 are required to report on a monthly basis. Those reports are due on the 20th of each month, covering financial activity during the prior month. Year End Reports are due January 31 of the following year. 2 U.S.C. § 434(a)(3)(A)(i).

The Committee did not file its 1988 Year End Report until February 16, 1989, sixteen (16) days late. Therefore, there is reason to believe the Jesse Jackson for President '88 Committee and Howard R. Renzi, as treasurer, violated 2 U.S.C. § 434(a)(3)(A)(i).

0
0
7
0
7
0
7
0
4
0
7
0
0
0
9

Coacum & Hewitt

Attorneys and Counsellors at Law

Galleria and Towers at Erieview

1301 East Ninth Street

Suite 3400

Cleveland, Ohio 44114-1824

(216) 696-2022

Telex Number

(216) 241-2679

*Edward C. Coacum, Jr.
James H. Hewitt, III*

*Of Counsel:
Donald D. Evans
Donald C. Haley
Caleb C. Horton*

June 9, 1989

VIA OVERNIGHT MAIL AND
TELECOPIER FACILITIES
(202) 376-5280

Lee Ann Elliott
Vice Chairman
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: MUR 2885

Dear Ms. Elliott:

This law firm represents the Jesse Jackson for President '88 Committee, Inc. (the "Jackson '88 Campaign") in connection with matter arising before the Federal Election Commission (the "Commission"). Enclosed is a fully executed Statement of Designation of Counsel prepared by Howard Renzi, Treasurer.

On June 2, 1989, the Jackson '88 Campaign received your letter advising that the Commission found that there is reason to believe that the Jackson '88 Campaign violated certain provisions of Federal Election law in connection with the filing of the 1988 year-end report. Your letter also included a summary consistent with the statutory frame-work, advising that the Jackson '88 Campaign may provide its written reply within 15 days after receipt of your letter.

The purpose of this correspondence is to request a brief continuance by which we may supply a written reply. The basis for this request is that campaign records are headquartered in Chicago, Illinois. Our Campaign Treasurer, Howard Renzi, resides in Collingswood, New Jersey. Due to the press of business, a 20-day extension is required in order to coordinate travel schedules, review relevant records and finalize our reply.

The Jackson Campaign is most interested in expeditiously resolving this matter. This request for extension is not interposed for purposes of delay as our response will be supplied on or before July 7, 1989.

89 JUN 13 PM 2:22
RECEIVED
FEDERAL ELECTION COMMISSION

10704204000

Coaxum & Hewitt

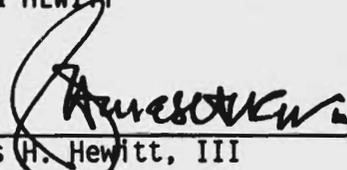
Lee Ann Elliott
June 9, 1989
Page Two

As in the past, please have Mary Ann Bumgarner, Esq. of the Federal Election Commission General Counsel's staff confirm by telephone and in writing whether this request for extension has been authorized.

Thank you in advance for your favorable consideration to this request. Please direct future inquiry or correspondence about this MUR to our attention at the address and phone number noted above.

Very truly yours,

COAXUM & HEWITT

By: 

James H. Hewitt, III

JHH:ldj

cc: Mary Ann Bumgarner, Esq.
FEC Staff Attorney
Howard Renzi
Cirilo McSween
Edward C. Coaxum, Jr., Esq.

90040740708

STATEMENT OF DESIGNATION OF COUNSEL

NUR 2885 Edward C. Coaxum, Jr.
 James H. Hewitt, III

NAME OF COUNSEL: Coaxum and Hewitt

ADDRESS: 100 Erieview Plaza - Ste. 3400
Cleveland, OH 44114

TELEPHONE: (216) 696-2022

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.

2/9/89
Date

Howard Renzi
Signature

RESPONDENT'S NAME: Jesse Jackson for President '88 Committee, Inc.

ADDRESS: 30 W. Washington St. Howard Renzi, Treasurer
Suite 1215
Chicago, IL 60602

HOME PHONE: 215-885-1527

BUSINESS PHONE: 609-858-7887

90040740709



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1989

Mr. James H. Hewitt, III
100 Erieview Plaza, Suite 2400
Cleveland, Ohio 44114

RE: MUR 2885

Dear Mr. Hewitt:

This is in response to your letter dated June 9, 1989, which we received on June 12, 1989, requesting an extension of 20 days to respond to the Commission's letter dated May 31, 1989. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on July 7, 1989.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

90040790710

06c 3342

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 JUL -7 AM 9:36

Coaxum & Hewitt

Attorneys and Counsellors at Law

Galleria and Towers at Erieview

1301 East Ninth Street

Suite 3400

Cleveland, Ohio 44114-1824

(216) 696-2022

Telex Number

(216) 241-2679

July 6, 1989

*Edward C. Coaxum, Jr.
James H. Hewitt, III*

*Of Counsel:
Donald D. Graves
Donald C. Haley
Earle C. Horton*

VIA AIRBORNE EXPRESS

Mary Ann Bumgarner, Esq.
Staff Attorney
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: MUR 2885

Dear Ms. Bumgarner:

This letter is the response of the Jesse Jackson for President '88 Committee, Inc. (the "Committee") to notification that the Commission has determined there is reason to believe that the Committee violated 2 U.S.C. Section 434(a)(3)(A)(i), by filing its 1988 year-end Report, February 16, 1989 -- sixteen (16) days late.

By letter dated June 9, 1989, we requested additional time to prepare our written response. By letter dated June 19, 1989, we were advised by the Office of the General Counsel, that the Commission granted our request for limited extension of time to and including July 7, 1989.

The Committee believes that there was no violation of the Act on their part and that the Commission should rescind this finding, find no probable cause against the Committee or take no further action in this case.

To assist your investigation, we believe it necessary to provide you with the following background information which will describe the circumstances surrounding the filing of the Committee 1988 year-end Report.

90040790711

Mary Ann Bumgarner, Esq.
July 6, 1989
Page Two

Upon formally organizing the Committee, campaign management sought to establish a internal program to insure maximum feasible compliance with applicable law and the Commission's regulations. Starting by identifying a knowledgable Certified Public Accountant to serve as National Treasurer and an experienced FEC Consultant and Comptroller, the Committee sought to establish a system of internal operations and fiscal controls to be implemented by the Office of the National Comptroller on a daily basis.

The National Comptroller was the person primarily responsible for preparing the monthly reports of revenue and expense and the regular submissions supporting requests for federal matching fund payments. Additionally, the National Comptroller was to prepare the preliminary drafts of the Committee 1988 year-end Report.

On December 22, 1988, the National Comptroller submitted his resignation to senior management to become effective only five (5) days later -- December 27, 1988. Apparently, the National Comptroller felt compelled to tender his resignation due, as he stated in his own words, "after 15 months of campaign work, the strain, stress and conflict . . . is detrimental to my personal well-being."¹ (See Exhibit A).

Thus, during the Christmas holidays, the Committee sought to train another member of the National finance staff with the help of our FEC consultant to carry out these key functions.

A preliminary draft of the Committee year-end Report was prepared for submission to the Commission. However, upon careful review it was revealed that the Report did not include all information reflecting the available cash on hand. The preliminary draft included pertinent data from the National bank accounts in Chicago, Illinois, but information from the Convention bank accounts established in Atlanta, Georgia was inadvertently overlooked. While generally familiar with the process of preparing the Committee monthly reports to the Commission, the staff person had prepared this year-end Report only for the first time. Thus, management desired to reconcile and verify the information being submitted. These facts were telephonically shared with the Commission staff on February 13, 1989 by National Treasurer Howard Renzi, and the year-end Report was mailed via guaranteed, overnight mail February 15, 1989. (See Exhibit B).

¹/ It is useful to note that the National Comptroller's family resides in Washington, D.C. He had agreed to relocate to Chicago, Illinois to work in the National Campaign office. Obviously, he was desirous of returning home.

90040790712

Mary Ann Bumgarner, Esq.
July 6, 1989
Page Three

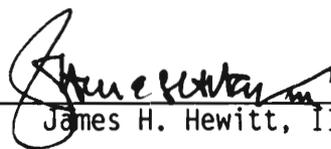
In retrospect the Committee could have filed an incomplete and possibly inaccurate Report in order to avoid this delayed filing. However, after the initial work the Committee realized that the more prudent course to take was to take the brief period of time to review itemizations of transactions and verifications of the account balances in order to meet its reporting obligations. Although it would appear that the delayed filing of the 1988 year-end Report, 16 days late, was de minimus, the thought of submitting a year-end Report containing inaccurate and incomplete information was a principle which the Committee could not accept or agree to.

The Committee acknowledges that there are circumstances under which a political committee might be bound for the delayed filing of its required reports. However, for the Commission to find the Committee liable in this instance would undercut the sound policy encouraging the establishment of orderly management procedures designed to insure compliance with the Commission requirements. Should the Commission find the Committee liable in such a case despite our best efforts to maintain an orderly system of management control, the effect would be to discourage reliance on the Commission's own guidelines^{2/} and frustrate the policy of encouraging development of such management systems and procedures.

For the foregoing reasons, the Committee would respectfully request that the Commission rescind this finding, find no probable cause against the Committee or take no further action on this matter.

Respectfully submitted,

COAXUM & HEWITT

By 
James H. Hewitt, III

JHH:ai
Enclosures
cc: Reverend Jesse L. Jackson
Howard Renzi
Cirilo McSween
Edward C. Coaxum, Jr., Esq.

^{2/} The Commission's "Financial Control and Compliance Manual" generally indicates that the establishment of reasonable management control systems and procedures may provide a basis for limiting the Committee's liability. Chapter I, "General Election Financing", p. 1-16.

90040790713

Jesse Jackson '88

EXHIBIT A

27 December 1988

Cirilo McSween, Co-Chair
Jackson '88
30 W. Washington
Chicago, IL 60602

Dear Cirilo,

On Tuesday December 27, 1988 we will present our Matching Fund Submission #17 which will provide funds to fulfill all our reasonably expected obligations. A further submission in January will provide added funds covering our provisions for thank you letters, legal defense, and accounting not yet assigned.

Reconciliation of our disclosure reports to bank activity is progressing and will be substantially completed by McKeever staff within a couple of weeks, fulfilling their mandate from the Committee, by following the plan organized by the Treasurer and I.

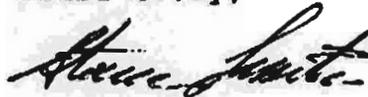
After 15 months of campaign work the strain, stress, and conflict which continues at this time is detrimental to my personal well-being. I submit my resignation as Comptroller as of December 27, 1988. It is time for me to look to life after the campaign.

I salute the heroic efforts of the Finance Staff in Rev. Jackson's historic success in the election campaign. In particular, the grace under pressure shown by Jocklyn Franklin, Cherrie Hervey, Theresa Jackson, Larry Hayes, and Howard Renzi has been unheralded, but was the backbone of the campaign. We kept it running; we kept the funds flowing.

If my assistance were to be necessary in what remains of the close out, I can be available in an advisory capacity.

It has been a rewarding experience.

Yours truly,



Steven Lassiter

cc: H. Renzi
J. Franklin
C. Hervey
J. Bell



90040740714

Jesse Jackson

EXHIBIT B

'88

February 15, 1989

John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

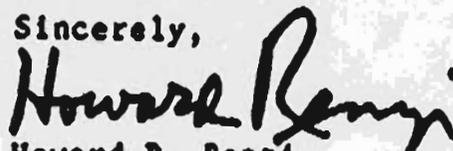
Re: Year End Report
(12/1/88 - 12/31/88)

Dear Mr. Gibson:

In response to your letter dated February 7, 1989 which I received on February 10, 1989, and pursuant to my telephone conversation with your office on February 13, 1989, I am submitting the Jesse Jackson for President '88 Committee's Report of Receipts and Expenditures Year End Report (12/1/88 - 12/31/88).

If you or your staff have any questions regarding this report or if I can be of further assistance, please do not hesitate to call me on Monday through Wednesday at (609) 858-7887 or on Thursday and Friday at (312) 750-1900.

Sincerely,



Howard R. Renzi
National Treasurer

HR/tlh
Enclosures

cc: Cirilo McSween
Lester McKeever
Jerry Bell
Eric Graham
James Hewitt

30 WEST WASHINGTON STREET SUITE 300 CHICAGO, ILLINOIS 60602 (312) 855-3773

BEFORE THE FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA

IN THE MATTER OF:
THE JESSE JACKSON FOR PRESIDENT
'88 COMMITTEE, INC.
RESPONDENT.

)
)
)
)
)
)

MUR 2885
AFFIDAVIT OF HOWARD RENZI,
NATIONAL TREASURER

Howard Renzi, after first being duly sworn alleges and states that:

1. I am the National Treasurer for the Jesse Jackson for President '88 Committee, Inc., the Respondent in MUR 2885, currently under investigation by the Commission.

2. I have read the attached response to MUR 2885 prepared by the principal Campaign legal counsel, the law firm of Coaxum & Hewitt, together with annexed Exhibits and state that the facts contained therein are true as I verily believe.

FURTHER AFFIANT SAYETH NAUGHT.

Howard Renzi
Howard Renzi

SWORN TO AND SUBSCRIBED in my presence this 6th day of July, 1989.

I:JHH.462

Tiffany L. Hair
NOTARY PUBLIC
TEFANY L. HAIR
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires January 28, 1994

90040740710

89 AUG -8 AM 9:59

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Jesse Jackson for President '88) MUR 2885
Howard R. Renzi, treasurer)

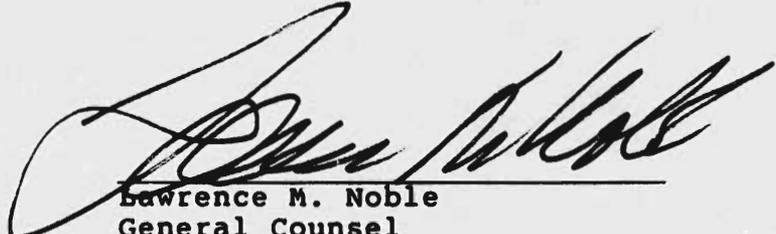
SENSITIVE

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Jesse Jackson for President '88 and Howard R. Renzi, as treasurer, based on the assessment of the information presently available.

Date

8/7/89


Lawrence M. Noble
General Counsel

90040790717

89 SEP -1 AM 10:55

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
)
Jesse Jackson for President '88)
Howard R. Renzi, treasurer)

MUR 2885

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 19, 1989, the Commission found reason to believe Jesse Jackson '88 and Howard R. Renzi, as treasurer, violated 2 U.S.C. § 434(a)(3)(A)(i) by not filing its Year End Report until February 16, 1989, sixteen (16) days late. Notification of the Commission's finding and a proposed conciliation agreement were mailed to the Committee on May 31, 1989. In a letter dated June 9, 1989, the Committee requested, and was granted, an extension of time to respond until July 7, 1989. A response was received from the Committee on July 7, 1989 (Attachment 1). The Committee did not accept the Commission's offer to enter into pre-probable cause conciliation.

II. ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that, during an election year, Presidential campaign committees that raise over \$100,000 are required to report on a monthly basis. These reports are due on the 20th of each month, covering financial activity during the prior month. Year End Reports are due no later than January 31 of the following year. 2 U.S.C. § 434(a)(3)(A)(i).

90040770718

In his response, counsel for Respondents acknowledges that the 1988 Year End Report was filed 16 days late. He argues, however, that there were special circumstances involved, and requests that the Commission rescind its finding, find no probable cause to believe, or take no further action in this matter.

According to counsel's response, the Committee's National Comptroller submitted his resignation on December 22, 1988, which was to become effective 5 days later. This person would have been responsible for the preparation of the preliminary drafts of the Committee's 1988 Year End Report. The Committee asserts that the staff person who prepared the preliminary Year End Report was doing such a report for the first time and that the preliminary Report did not include all necessary information reflecting the available cash on hand. Therefore, because the Committee desired to reconcile and verify the information being submitted, a delay in the filing of the report occurred. According to the Committee, "the thought of submitting a Year End Report containing inaccurate and incomplete information was a principle which the Committee could not accept or agree to."

With regard to Respondent's request to the Commission that it rescind its reason to believe finding, it is the recommendation of this Office that the Commission decline such request. Reason to believe is only a preliminary finding and is a statutory prerequisite to an examination and a finding of probable cause to believe or no probable cause to believe a

90040770719

violation has occurred. Insofar as reason to believe is only a preliminary finding, it does not constitute a determination by the Commission that a violation has occurred.

The record in this matter reveals that the Committee did not file its Year End Report until February 16, 1989, sixteen (16) days late, in violation of 2 U.S.C. § 434(a)(3)(A)(i). The reasons cited by counsel for the late filing of the Year End Report should serve as mitigating factors, but do not appear to erase the violation.

It is the position of this Office that the Commission proceed in this matter to a determination of whether or not there is probable cause to believe that a violation of the Act has occurred. During the briefing process preceding such a determination, Respondents will again have the opportunity to request that the Commission take no further action in this matter.

III. RECOMMENDATIONS

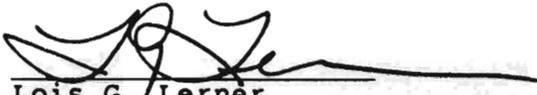
1. Decline to rescind the Commission's finding of reason to believe that Jesse Jackson for President '88 violated 2 U.S.C. § 434(a)(3)(A)(i).
2. Approve the attached letter.

Lawrence M. Noble
General Counsel

Date

8/31/89

By:


Lois G. Lerner
Associate General Counsel

Attachments

1. Letter from James H. Hewitt, III, Esquire
2. Letter to Respondent

Staff Person: Mary Ann Bumgarner

90040770720

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Jesse Jackson for President '88) MUR 2885
Howard R. Renzi, treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 7, 1989, the Commission decided by a vote of 4-0 to take the following actions in MUR 2885:

1. Decline to rescind the Commission's finding of reason to believe that Jesse Jackson for President '88 violated 2 U.S.C. § 434(a)(3)(A)(i).
2. Approve the letter attached to the General Counsel's Report dated August 31, 1989.

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

Attest:

9/8/89
Date

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

Received in the Secretariat: Friday, September 1, 1989 10:55
Circulated to the Commission: Friday, September 1, 1989 2:00
Deadline for vote: Wednesday, September 6, 1989 4:00
At the time of deadline a majority of votes had not been received.

90040740721



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 13, 1989

Mr. James H. Hewitt, Esquire
Coaxum & Hewitt
1301 East Ninth Street
Suite 3400
Cleveland, Ohio 44114-1824

RE: MUR 2885
Jesse Jackson for President '88
Howard R. Renzi, treasurer

Dear Mr. Hewitt:

This letter is in regard to your request, as set out in your letter dated July 6, 1989, that the Commission rescind its reason to believe finding, find no probable cause to believe, or take no further action in MUR 2885.

On September 7, 1989, the Commission reviewed your response and determined not to grant your request to rescind its finding in this matter. The Commission's decision reflects the fact that a finding of reason to believe is only a preliminary finding and is a statutory prerequisite to an examination and a finding of whether or not there is probable cause to believe a violation of the Federal Election Campaign Act of 1971, as amended, has occurred. Insofar as reason to believe is only a preliminary finding, it does not constitute a determination by the Commission that a violation has occurred. Thus, the Commission will proceed in this matter to a determination of whether there is probable cause to believe that a violation of the Act has occurred.

Should you have any questions, contact Mary Ann Bumgarner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

90040790722



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

89 OCT -4 AM 11:27

SENSITIVE

October 4, 1989

MEMORANDUM

TO: The Commission
FROM: Lawrence M. Noble *LMN*
General Counsel
SUBJECT: MUR 2885

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe were mailed on October 4, 1989. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to respondent

90040790723



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

October 4, 1989

Mr. James H. Hewitt, Esquire
Coaxum & Hewitt
1301 East Ninth Street
Suite 3400
Cleveland, Ohio 44114-1824

RE: MUR 2885
Jesse Jackson for President '88
Howard R. Renzi, as treasurer

Dear Mr. Hewitt:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, on May 19, 1989, the Federal Election Commission found reason to believe that your clients violated 2 U.S.C. § 434(a)(3)(A)(i) and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

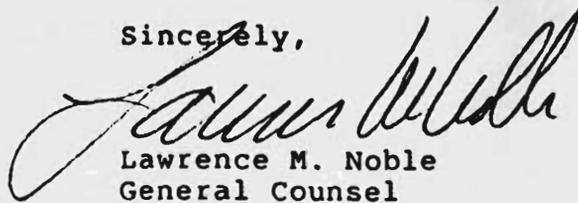
90040790724

James H. Hewitt
Page 2

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Mary Ann Bumgarner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

90040790725

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2885
Jesse Jackson for President '88)
Howard R. Renzi, treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On May 19, 1989, the Commission found reason to believe Jesse Jackson '88 and Howard R. Renzi, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(3)(A)(i) by not filing its Year End Report until February 16, 1989, sixteen days late.

II. ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that, during an election year, Presidential campaign committees that raise over \$100,000 are required to report on a monthly basis. These reports are due on the 20th of each month, covering financial activity during that prior month. Year End Reports are due no later than January 31 of the following year. 2 U.S.C. § 434(a)(3)(A)(i).

Respondents acknowledge that the 1988 Year End Report was filed 16 days late. Therefore, this Office recommends that the Commission find probable cause to believe that Jesse Jackson '88 and Howard R. Renzi, as treasurer, violated 2 U.S.C. § 434(a)(3)(A)(i):

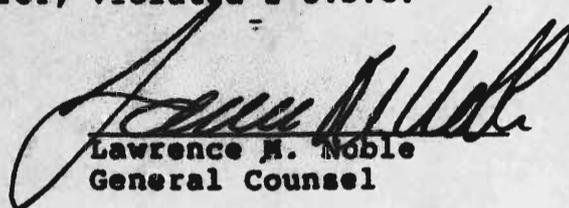
90040790720

III. RECOMMENDATION

Find probable cause to believe that Jesse Jackson '88 and Howard R. Zenzi, as treasurer, violated 2 U.S.C. § 434(a)(3)(A)(i).

Date

10/4/89


Lawrence H. Noble
General Counsel

Staff Person: Mary Ann Bumgarner

90040740727

06C 4339

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

Coaxum & Hewitt

89 OCT 23 AM 11:31

*Attorneys and Counsellors at Law
Barristers and Solicitors at Cincinnati
1301 East Ninth Street
Suite 3400
Cleveland, Ohio 44114-1824
(216) 696-2022
Telex Number
(216) 241-2679*

*Edward C. Coaxum, Jr.
James H. Hewitt, III*

*Of Counsel:
Donald D. Brown
Donald C. Holey
Carole C. Horton*

October 20, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 OCT 23 PM 1:33

VIA GUARANTEED OVERNIGHT MAIL

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

Attention: Secretary of the Commission

Re: MUR 2885
Jesse Jackson for President
'88 Committee, Inc. and
Howard R. Renzi, as Treasurer

To the Members of the Federal Election Commission:

Enclosed herein please find ten (10) copies of the Brief of Counsel for Jesse Jackson for President '88 Committee, Inc. and Howard Renzi, as Treasurer which is being submitted to you as our support that the Commission reject the recommendation of the General Counsel and find no probable cause to believe that a violation of the act has occurred.

A copy of this letter is also being sent to Mary Ann Bumgarner, Esq., the Staff Attorney assigned to handle this matter, together with three (3) copies of this Brief.

Should any questions arise regarding the receipt of these materials, we request that you direct those questions to my attention. Thank you.

Very truly yours,

James H. Hewitt, III
James H. Hewitt, III

JHH:ldj
Enclosures
cc: Mary Ann Bumgarner, Esq. ✓
Reverend Jesse L. Jackson
Howard S. Renzi, National Treasurer
Cirilo A. McSween, Co-Chairman,
Audit Committee
Edward C. Coaxum, Jr., Esq.
C:JHH.605

90040790728

BEFORE THE FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA

IN RE: THE MATTER OF:)
)
JESSE JACKSON FOR PRESIDENT '88) RE: MUR 2885
COMMITTEE, INC. AND)
HOWARD R. RENZI, AS TREASURER.)
)

BRIEF OF COUNSEL FOR JESSE JACKSON FOR PRESIDENT '88
COMMITTEE, INC. AND HOWARD R. RENZI, AS TREASURER

90040740729
Through correspondence from Lawrence M. Noble, General Counsel, for the Federal Election Commission (the "Commission"), dated October 4, 1989, Legal Counsel for Jesse Jackson for President '88 Committee ("JJPC") and Howard R. Renzi, as Treasurer, were informed that "the General Counsel is prepared to recommend that the Commission find probable cause to believe that "JJPC and Howard R. Renzi, as Treasurer, violated 2 U.S.C. Section 434(a)(3)(A)(i).

The formal Brief of the General Counsel recommends that the Commission find probable cause to believe that JJPC violated: 2 U.S.C. Section 434(a)(3)(A)(i), because the JJPC 1988 Year-End Report was filed February 16, 1989--sixteen (16) days late.

Based upon the following factual and legal discussion and all previous responses submitted to the Commission on this matter, it appears that no knowing or willful violation of Title 2 has occurred. In sum, while it is acknowledged that the 1988 Year-End Report was filed 16 days late, there

exists substantial and justified reasons to support that JJPC exerted its best efforts to comply with all applicable accounting and reporting requirements of Federal Election Law.

Moreover, the recommendations of the General Counsel ignore the diligent and conscientious exercise of best efforts demonstrated by JJPC senior management. Further, the General Counsel's position undercuts the sound Commission policy encouraging the establishment of orderly management procedures designed to insure compliance with Commission requirements.

For the reasons which follow, the Commission should reject the General Counsel's recommendation that the Commission find probable cause to believe that a violation has occurred.

THE COMPLAINT

The Complaint in this matter is described in a two sentence assertion by the General Counsel that "since the Respondents acknowledge that the 1988 Year-End Report was filed sixteen (16) days late. Therefore, the General Counsel recommends that the Commission find probable cause to believe that JJPC, and Howard Renzi, as Treasurer, violated 2 U.S.C. Section 434(a)(3)(A)(i)." Brief of General Counsel at page 1.

As fully set forth in our earlier response, dated July 9, 1989, senior management of JJPC was faced with a situation in late December, 1988 of whether to submit a Year-End Report which JJPC knew was inaccurate and perhaps incomplete or to engage in a concentrated effort to file the most complete report based on available information.

As previously discussed, on December 22, 1988, the then-JJPC National Comptroller submitted his resignation to senior management to become

90040790730

effective only five (5) days - later, December 27, 1988. Apparently, the National Comptroller felt compelled to tender his resignation, as he stated in his own words, "after fifteen (15) months of campaign work, the strain, stress and conflict...[was] detrimental to his personal well-being."

Thus, during the Christmas holidays, and the first few weeks of January, 1989, the JJPC sought to train another member of the National Finance staff with the help of our Commission consultant (for auditing assistance) to carry-out this key function.

A preliminary draft of the JJPC Year-End Report was prepared for submission to the Commission. However, upon careful review, it was revealed that the Report did not include all information reflecting available cash on hand. The preliminary draft included pertinent data from the national bank accounts in Chicago, Illinois, but information from the convention bank accounts established in Atlanta, Georgia was inadvertently overlooked. While generally familiar with the process of preparing the JJPC monthly reports to the Commission, the staff person had prepared this Year-End Report only for the first time. Thus, JJPC senior management desired to reconcile and verify the information being submitted.

In an attempt to comply with Federal Election reporting requirements, JJPC National Treasurer, Howard Renzi regularly contacted Commission Audit staff to advise of this extended situation and assuring that the 1988 Year-End Report was forthcoming. In a very real practical sense, the JJPC urgently attempted to comply with Commission reporting requirements insuring that the most accurate, complete Report available was submitted in an expeditious fashion.

90040790731

THE RECOMMENDATION OF THE GENERAL COUNSEL FOR A
PROBABLE CAUSE FINDING AGAINST JJPC IS WITHOUT
MERIT AND INCONSISTENT WITH EXPLICIT CONGRESSIONAL
INTENT AS CONTAINED IN THE BEST EFFORTS TEST

Under these extraordinary and unforeseen set of circumstances, the JJPC's efforts do constitute "best efforts", pursuant to 2 U.S.C. Section 432(1) and also 11 C.F.R. 104.7(a), which provide that:

When the Treasurer of a political committee shows that best efforts have been used to obtain, maintain and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act...

The General Counsel, in his brief, disingeniously omits any mention whatsoever of the difficult series of circumstances faced by JJPC senior management. By failing to recognize the JJPC's sincere best efforts, the General Counsel mistakenly asserts that the Commission issue a probable cause finding that a violation of the Act has occurred.

Indeed, 11 C.F.R. Section 102.9(d) also provides that records maintained and reports submitted by a committee will be considered in compliance with the Act, if a committee used its best efforts to obtain, maintain and submit the documentation required. The JJPC contends that it used its best efforts to obtain and report information relating to the 1988 year-end activity, and therefore, did not violate the Act or its regulations.

The "best efforts" test was incorporated into the Act and its regulations to prevent political committees from being overburdened with administrative requirements. In Congress' view, such overburdening would defeat the purpose of the Act, i.e., to achieve substantial voluntary compliance with the provisions of the Act. See H.R. Rep. 96-422, 96th Cong. 1st Sess. 14 (1979). In fact, Congress views this test as so important to the

90040790732

intent of the Act that the Commission has been criticized for its failure to promptly incorporate this test into its procedures.

[T]he application of the best efforts test is essential to the enforcement of the recordkeeping and reporting provisions of the Act. It is the opinion of the Committee that the Commission has not adequately incorporated the best efforts test into its administrative procedures.

Id. The circumstances surrounding the accounting and reporting of information relative to the submitting of the 1988 Year-End Report, in JJPC's view, require that the best efforts test be applied and that JJPC be found to have used its best efforts.

Applying this standard to the facts at issue, the JJPC clearly used its best efforts. The JJPC took prompt and conscientious efforts to meet its reporting obligations. In retrospect, the Committee could have filed an incomplete and possibly inaccurate Year-End Report to avoid this delayed filing. However, after the initial work was completed, the JJPC realized that the more prudent course to take was to utilize, in a limited period of time, efforts to review itemizations of transactions and verifications of account balances to meet the required reporting obligation. National Treasurer, Howard Renzi, was in regular contact with the Commission Audit Staff, advising that the Year-End Report was being verified for accuracy and would be submitted as soon as feasible. Although it would appear that the delayed filing of the 1988 Year-End Report was de minimis, the thought of submitting a report containing inaccurate and incomplete information was a principle which the JJPC would not accept.

Furthermore, the General Counsel, in his brief, cites no Commission precedent supporting its recommendation that a probable cause finding should

00040790733

occur. Additionally, should the Commission find the JJPC liable despite our best efforts to maintain an orderly system of management control, the effect would be to discourage reliance on the Commission's own guidelines¹ and frustrate the policy of encouraging development of such management systems and procedures. Therefore, as viewed by Congress, and the Commission own guidelines, the JJPC clearly exercised its best efforts.

Finally, case law shows that "[b]est efforts,' like 'reasonable care' is a term which necessarily takes its meaning from the circumstances." Perma Research and Development Company v. Singer Company, 308 F. Supp. 743, 748 (S.D.N.Y. 1970). What courts appear to look for in the circumstances is a reasonable or good faith effort by a party to do that which the party is capable of doing to fulfill its responsibilities. See Western Geophysical Company v. Bolt Associates, 584 F.2d 1164 (2d Cir. 1970); Bloor v. Falstaff Brewing Corp., 454 F. Supp. 258 (S.D.N.Y. 1978), aff'd, 601 F.2d 609 (2d Cir. 1979); U.C.C. Section 2-306(2), Official Comment 5.

The circumstances surrounding the filing of the 1988 Year-End Report on February 16, 1989--sixteen (16) days late, taken as a whole, clearly demonstrate that the JJPC exercised reasonable and good faith efforts to fully meet its reporting obligations.

CONCLUSION

On behalf of our clients, we urge that the Commission reject the recommendation of the General Counsel to find probable cause to believe that JJPC and its Treasurer Howard Renzi violated 2 U.S.C. Section 434(a)(3)(A)(i).

We respectfully request that the Commission recognize the mitigating factors described herein, as well as in previous responses. We ask that the

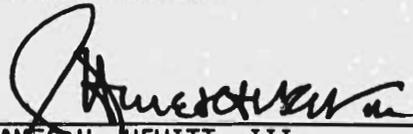
90040790734

Commission acknowledge the absence of knowing, willful or deliberate violations of the Act. We request that the Commission acknowledge that any alleged violation should be deemed to be technical in nature. Finally, even if a technical violation can be deemed to have occurred, the foregoing analysis establishes that our clients have diligently exercised their best efforts in full compliance with the requisites of 2 U.S.C. Section 432(1) and 11 C.F.R. 104.7(a).

Thus, the diligent and conscientious exercise of best efforts establishes full compliance with the reporting and recordkeeping provisions of the Act. If the Act has been compiled with, then any finding of probable cause is not well-founded.

Respectfully submitted,

COAXUM & HEWITT



JAMES H. HEWITT, III
Galleria and Towers at Erieview
1301 East Ninth Street
Suite 3400
Cleveland, Ohio 44114
Telephone: (216) 696-2022

One of the Attorneys for Jesse L.
Jackson for President '88
Committee, Inc. and
Howard R. Renzi, as Treasurer

C:JHH.603

90040790735

FOOTNOTE

- 1 The Commission's "Financial Control and Compliance Manual" generally indicates that the establishment of reasonable management control systems and procedures may provide a basis for limiting the Committee's liability. Chapter I "General Election Financing", p. 1-16.

90040790736

89 NOV 16 PM 4:20

SENSITIVE
EXECUTIVE SESSION

~~DEC 12 1989~~

Nov. 28, 1989

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Jesse Jackson for President '88)
Committee and Howard R. Renzi,)
as treasurer)

MUR 2885

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 19, 1989, the Commission found reason to believe Jesse Jackson '88 and Howard R. Renzi, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(3)(A)(i) by not filing its Year End Report until February 16, 1989, sixteen days late. Respondents have not accepted the Commission's offer to enter into pre-probable cause conciliation.

II. ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that, during an election year, Presidential campaign committees that raise over \$100,000 are required to report on a monthly basis. These reports are due on the 20th of each month, covering financial activity during that prior month. Year End Reports are due no later than January 31 of the following year. 2 U.S.C. § 434(a)(3)(A)(i).

In their response to the Commission's reason to believe finding, counsel for Respondents acknowledged that the 1988 Year End Report was filed 16 days late. He argued that there were special circumstances involved and requested that the Commission rescind its finding, find no probable cause to

90040740737

believe, or take no further action. The Commission declined to rescind its reason to believe finding.

In their response, dated October 20, 1989, to the General Counsel's Brief recommending probable cause, Respondents once again argued the presence of special circumstances. These special circumstances included a choice the Committee assertedly faced at the end of December, 1988, of either submitting a Year End Report which would be inaccurate as a result of the omission of information from convention bank accounts and the abrupt departure of the National Comptroller in late December of that year, or delaying the filing in order to file the most complete report possible based on available information. In their response, Respondents also requested that the Commission deem any alleged violation to be technical in nature and acknowledge that the Committee diligently exercised its best efforts in full compliance with the requisites of 2 U.S.C. § 432(i) and 11 C.F.R. § 104.7(a). According to Respondents, the diligent and conscientious exercise of best efforts establishes full compliance with the reporting and recordkeeping provisions of the Act.

The record in this matter reveals that the Committee did not file its Year End Report until February 16, 1989, sixteen (16) days late. The reasons cited by counsel for the late filing of the Year End Report may serve at most as mitigating factors, but do not erase the violation.

The information pertaining to the Committee's convention

90040790738

bank accounts, which was missing from the preliminary draft of the report at issue, was within the control of the Committee and thus available at the time the report was initially being compiled. An application of the "best efforts" defense in such a situation would greatly undercut the Act's disclosure schedule. See MUR 2599. Further, the legislative history cited by counsel pertains to a committee's best efforts to assure the accuracy of the contents of reports; it does not pertain to the timing of such reports.

This Office recommends that the Commission find probable cause to believe that Jesse Jackson '88 for President and Howard R. Renzi, as treasurer, violated 2 U.S.C. § 434(a)(3)(A)(i).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

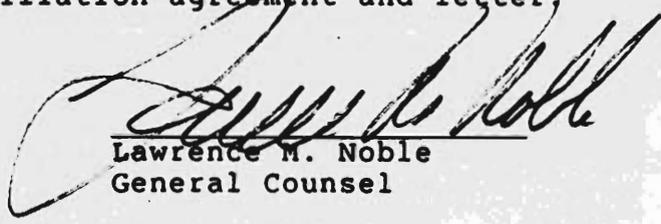
00040790739

90040770740

IV. RECOMMENDATIONS

1. Find probable cause to believe that Jesse Jackson '88 and Howard R. Renzi, as treasurer, violated 2 U.S.C. § 434(a)(3)(A)(i).
2. Approve the attached conciliation agreement and letter.

11/16/89
Date


Lawrence M. Noble
General Counsel

Attachments:

1. Conciliation Agreement
2. Letter

Staff Person: Mary Ann Bumgarner

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Jesse Jackson for President '88) MUR 2885
Committee and Howard R. Renzi, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 28, 1989, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2885:

1. Find probable cause to believe that Jesse Jackson '88 and Howard R. Renzi, as treasurer, violated 2 U.S.C. § 434(a)(3)(A)(i).
2. Approve the conciliation agreement and letter attached to the General Counsel's report dated November 16, 1989.

Commissioners Aikens, Elliott, Josefiak, McDonald, and Thomas voted affirmatively for the decision; Commissioner McGarry was not present.

Attest:

11-28-89
Date

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

90040790741



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1989

Mr. James H. Hewitt, Esquire
Coaxum & Hewitt
1301 East Ninth Street
Suite 3400
Cleveland, Ohio 44114-1824

RE: MUR 2885
Jesse Jackson for President '88
Howard R. Renzi, as treasurer

Dear Mr. Hewitt:

On November 28, 1989, the Federal Election Commission found that there is probable cause to believe your clients, Jesse Jackson for President '88 and Howard R. Renzi, as treasurer, violated 2 U.S.C. § 434(a)(3)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with their failure to file timely the 1988 Year End Report.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

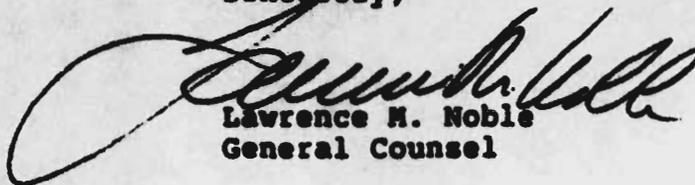
If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory

90040790742

James H. Hewitt, Esquire
Page 2

conciliation agreement, please contact Mary Ann Bumgarner, the
attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

90040790743

Hatcher, Coaxum, Hewitt & Gimes
Attorneys and Counsellors at Law

Suite 300
The 820 Building
820 West Superior Avenue
Cleveland, Ohio 44113-1800
Telephone Number (216) 241-5700
Telecopier Number (216) 241-2679

RECEIVED
FEDERAL ELECTION COMMISSION

90 MAY 31 PH 2:13

OGC 6397

Resident in Cleveland, Ohio:
Edward C. Coaxum, Jr.
James H. Hewitt, III

May 30, 1990

Other Firm Locations:
Gary, Indiana
Washington, D.C.

VIA GUARANTEED OVERNIGHT MAIL

Mary Ann Bumgarner, Esq.
Staff Legal Counsel
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: MUR 2885 - Jesse Jackson for President '88 Committee, Inc.
and Howard Renzi as Treasurer

Dear Ms. Bumgarner:

The Jesse Jackson for President '88 Committee, Inc. (the "Committee") and Howard Renzi as Treasurer, submits herewith a fully executed Conciliation Agreement designed to resolve the captioned matter.

In an effort towards fostering more positive relations with your staff and members of the Commission, we submit herewith the Conciliation Agreement as presented.

As noted, this Conciliation Agreement anticipates a penalty in the sum of One Thousand Five Hundred Dollars (\$1,500.00). Through a wire transfer submitted March 30, 1990, the Committee submitted to your office the amount of One Thousand Two Hundred Dollars (\$1,200.00). Enclosed is a copy of the receipt confirming this transaction. Please also find enclosed a check for \$300.00. Thus, the proposed penalty should be considered a fully satisfied.

Accordingly, we trust the foregoing will be satisfactory to you and members of the Commission. Upon formal approval, please provide our office with copies of the Conciliation Agreement as acknowledged and executed by the Commission General Counsel or his authorized representative.

90040770744

90 JUN -1 AM 11:53

RECEIVED
FEDERAL ELECTION COMMISSION

Hatcher, Coucum, Hewitt & Primes

Mary Ann Bumgarner, Esq.
May 30, 1990
Page Two

Again, thank you for your courtesy and cooperation.

Very truly yours,

James H. Hewitt III
James H. Hewitt, III

JHH:ai

Enclosure

cc: Rev. Jesse Jackson
Howard Renzi, CPA
Cirilo McSween, Chairman - Audit Committee

JHH.525

90040770743

90 JUN -5 PM 4: 33

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
)
Jesse Jackson for President '88) MUR 2885
and Howard R. Renzi, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Howard R. Renzi, treasurer of Jesse Jackson for President '88 ("the Committee").

The attached agreement contains no changes from the agreement approved by the Commission on April 3, 1990. This Office received a check from the Committee in the amount of \$1,200 on April 3, 1990. On May 31, 1990, the Committee submitted a second check in the amount of \$300 for the remaining portion of the \$1,500 civil penalty in this matter.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Jesse Jackson for President '88 and Howard R. Renzi, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

6/5/90
Date

By: 
Lois G. Kerner
Associate General Counsel

Attachments

1. Conciliation Agreement.
2. Photocopies of civil penalty checks (2).

Staff Person: Mary Ann Bumgarner

90040790740

BEFORE THE FEDERAL ELECTION COMMISSION

- In the Matter of)
) MUR 2885
Jesse Jackson for President '88)
and Howard R. Renzi, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 8, 1990, the Commission decided by a vote of 5-0 to take the following actions in MUR 2885:

1. Accept the conciliation agreement with Jesse Jackson for President '88 and Howard R. Renzi, as treasurer, as recommended in the General Counsel's report dated June 5, 1990.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's report dated June 5, 1990.

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

Attest:

6-8-90
Date

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

Received in the Secretariat: Tuesday, June 5, 1990 4:33 p.m.
Circulated to the Commission: Wednesday, June 6, 1990 11:00 a.m.
Deadline for vote: Friday, June 8, 1990 11:00 a.m.

dh

90040740747



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 12, 1990

James H. Hewitt, Esquire
Coaxum & Hewitt
Suite 300
The 820 Building
820 West Superior Avenue
Cleveland, Ohio 44113-1800

CLOSED

RE: MUR 2885
Jesse Jackson for
President '88 and Howard R.
Renzi, as treasurer

Dear Mr. Hewitt:

On June 8, 1990, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(3)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended. 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. If you have any questions, please contact Mary Ann Bumgarner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

90040770746

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Jesse Jackson for President '88) MUR 2885
Committee and Howard R. Renzi,)
as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that Jesse Jackson for President '88 Committee and Howard R. Renzi, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(3)(A)(i).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.
- 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. The Jesse Jackson for President '88 Committee is a principal campaign committee within the meaning of 2 U.S.C. § 431(5).
 2. Howard R. Renzi is the treasurer of the Jesse Jackson for President '88 Committee.

90040770747

3. Section 434(a)(3)(A)(i) of Title 2 provides that during an election year Presidential campaign committees that raise or spend over \$100,000 are required to report on a monthly basis. Year End reports are due on January 31 of the following year.

4. Respondents filed the 1988 Year End Report, which was due on January 31, 1989, on February 16, 1989, sixteen days late. The total amount of financial activity disclosed was \$452,767.78.

5. Respondents contend that they encountered unexpected changes in key personnel, that a staff member unfamiliar with details of reporting was assigned to expeditiously complete the 1988 Year End Report and that they attempted to submit the most complete and accurate 1988 Year End Report as soon as feasible.

V. Respondents failed to file their 1988 Year End Report in a timely manner in violation of 2 U.S.C. § 434(a)(3)(A)(i). However, Respondents contend that this violation was not knowing and willfull.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Five Hundred Dollars (\$1,500.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue

90040770750

herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or 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
Lois G. Lerner
Associate General Counsel

June 12, 1990
Date

FOR THE RESPONDENTS:

Howard R. Renzi
(Name) Howard R. Renzi
(Position) Treasurer

May 21, 1990
Date

90040790751



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2885

DATE FILMED 6/22/90 CAMERA NO. 4

CAMERAMAN AS

90040740752