



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2928

DATE FILMED 4/6/90 CAMERA NO. 4

CAMERAMAN AS

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: May 23, 1989

ANALYST: Robert B. DiNardo

I. COMMITTEE: West Virginia State Democratic Executive Committee
(C00162578)
Deborah F. Phillips, Treasurer
405 Capitol Street #804 ^{1/}
Charleston, WV 25301

II. RELEVANT STATUTE: 11 CFR 102.5(a)(1)(i)

III. BACKGROUND:

Receipt of Contributions from Unregistered Organizations

The West Virginia State Democratic Executive Committee (the "Committee") reported receipts of four (4) contributions totalling \$6,000 from four (4) unregistered organizations during calendar year 1987.

On July 20, 1987, the Committee filed its 1987 Mid-Year Report which disclosed three (3) contributions, totalling \$4,000, received on May 31 and June 9, 1987 from three (3) unregistered organizations (Attachment 2).

On January 12, 1988, a Request for Additional Information ("RFAI") was sent to the Committee requesting clarification regarding the source of the contributions. If the contributions were not permissible the RFAI recommended the total amount be transferred to a non-federal account and/or refunded to the contributors (Attachment 3).

On February 1, 1988, the Committee responded in writing by stating that it would refund \$2,000 to one (1) contributor and transfer the remaining \$2,000 to its non-federal account. The Committee included photocopies of a refund check, dated January 20, 1988, and a transfer check, dated January 28, 1988 as well as letters to the contributors (Attachment 4).

^{1/}Previous address was 405 Capitol Street, Suite 804, P.O. Box 6067, Charleston, WV 25362.

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WEST VIRGINIA STATE DEMOCRATIC
EXECUTIVE COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

On April 11, 1988, the Committee filed its 1988 April Quarterly Report, which disclosed a \$2,000 refund to one (1) unregistered organization on January 20, 1988, and a \$2,000 transfer to its non-federal account on January 28, 1988 (Attachment 5).

On March 2, 1989, the Committee sent the Commission a letter in response to another RFAI, sent February 15, 1989. The letter amended the 1987 Year End and 1988 April Quarterly Reports by listing a \$2,000 contribution received from, and a \$2,000 refund to, an unregistered organization (Attachment 6).

On March 15, 1989, a RFAI was sent to the Committee requesting an amended Summary Page, Detailed Summary Page, and appropriate Schedules for the 1987 Year End and 1988 April Quarterly Reports (Attachment 7).

On March 28, 1989, the Committee filed an amended 1987 Year End Report which disclosed on Schedule A one (1) \$2,000 contribution, received on November 6, 1987, from one (1) unregistered organization (Attachment 8). Also on this day, the Committee filed an amended 1988 April Quarterly Report which disclosed on Schedule B one (1) \$2,000 refund, made on March 28, 1988, to the unregistered organization (Attachment 9).

On April 5, 1989, an Informational Notice was sent to the Committee notifying it that the Commission may take further legal action concerning the receipt of impermissible funds (Attachment 10).

IV. OTHER PENDING MATTERS INITIATED BY RAD:
None.

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FEDERAL ELECTION COMMISSION
1987-1988
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
WEST VIRGINIA STATE DEMOCRATIC EXECUTIVE COMMITTEE				ID #C00162578	PARTY QUALIFIED	
CONNECTED ORGANIZATION:						
1987	MID-YEAR REPORT	70,501	40,554	1JAN87 -30JUN87	20	87FEC/482/0838
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN87 -30JUN87	14	88FEC/503/5067
	MID-YEAR REPORT - AMENDMENT	71,519	40,602	1JAN87 -30JUN87	5	89FEC/590/0010
	REQUEST FOR ADDITIONAL INFORMATION			1JAN87 -30JUN87	4	88FEC/498/2306
	YEAR-END	12,712	36,251	1JUL87 -31DEC87	12	88FEC/501/5386
	YEAR-END - AMENDMENT	-	-	1JUL87 -31DEC87	1	89FEC/586/3864
	YEAR-END - AMENDMENT	14,717	36,273	1JUL87 -31DEC87	7	89FEC/590/0003
	REQUEST FOR ADDITIONAL INFORMATION			1JUL87 -31DEC87	1	89FEC/588/2854
1988	APRIL QUARTERLY	11,030	11,266	1JAN88 -31MAR88	46	88FEC/516/3782
	APRIL QUARTERLY - AMENDMENT	-	-	1JAN88 -31MAR88	3	88FEC/528/2173
	APRIL QUARTERLY - AMENDMENT	-	-	1JAN88 -31MAR88	1	89FEC/586/3863
	APRIL QUARTERLY - AMENDMENT	11,030	13,302	1JAN88 -31MAR88	4	89FEC/590/0015
	APRIL QUARTERLY - AMENDMENT	11,030	13,302	1JAN88 -31MAR88	3	89FEC/591/4250
	REQUEST FOR ADDITIONAL INFORMATION			1JAN88 -31MAR88	1	88FEC/525/3780
	REQUEST FOR ADDITIONAL INFORMATION			1JAN88 -31MAR88	1	89FEC/588/2853
	REQUEST FOR ADDITIONAL INFORMATION			1JAN88 -31MAR88	3	89FEC/590/2578
	JULY QUARTERLY	25,218	24,999	1APR88 -30JUN88	14	88FEC/535/5318
	JULY QUARTERLY - AMENDMENT	-	-	1APR88 -30JUN88	1	89FEC/586/3862
	JULY QUARTERLY - AMENDMENT	25,218	25,148	1APR88 -30JUN88	5	89FEC/590/0019
	JULY QUARTERLY - AMENDMENT	25,218	25,148	1APR88 -30JUN88	3	89FEC/591/4247
	REQUEST FOR ADDITIONAL INFORMATION			1APR88 -30JUN88	1	89FEC/588/2852
	REQUEST FOR ADDITIONAL INFORMATION			1APR88 -30JUN88	1	89FEC/590/2576
	OCTOBER QUARTERLY	46,767	58,674	1JUL88 -30SEP88	30	88FEC/555/0053
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	27	89FEC/576/1064
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	1	89FEC/586/3865
	OCTOBER QUARTERLY - AMENDMENT	46,767	54,778	1JUL88 -30SEP88	4	89FEC/590/0024
	OCTOBER QUARTERLY - AMENDMENT	46,767	54,778	1JUL88 -30SEP88	3	89FEC/591/4244
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -30SEP88	3	88FEC/568/2855
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL88 -30SEP88	4	89FEC/575/4842
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -30SEP88	1	89FEC/588/2851
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -30SEP88	1	89FEC/590/2575
	PRE-GENERAL	30,635	19,394	1OCT88 -19OCT88	19	88FEC/561/3487
	PRE-GENERAL - AMENDMENT	-	-	1OCT88 -19OCT88	1	89FEC/586/3866
	PRE-GENERAL - AMENDMENT	30,635	19,643	1OCT88 -19OCT88	4	89FEC/590/0028
	PRE-GENERAL - AMENDMENT	30,635	19,643	1OCT88 -19OCT88	3	89FEC/591/4241
	REQUEST FOR ADDITIONAL INFORMATION			1OCT88 -19OCT88	1	89FEC/588/2850
	REQUEST FOR ADDITIONAL INFORMATION			1OCT88 -19OCT88	1	89FEC/590/2574
	POST-GENERAL	78,440	80,039	20OCT88 -28NOV88	22	88FEC/568/4037
	POST-GENERAL - AMENDMENT	-	-	20OCT88 -28NOV88	20	89FEC/578/5242
	POST-GENERAL - AMENDMENT	-	-	20OCT88 -28NOV88	3	89FEC/585/1805
	POST-GENERAL - AMENDMENT	-	-	20OCT88 -28NOV88	18	89FEC/586/3716
	POST-GENERAL - AMENDMENT	-	-	20OCT88 -28NOV88	1	89FEC/586/3867
	POST-GENERAL - AMENDMENT	78,410	80,200	20OCT88 -28NOV88	4	89FEC/590/0032
	POST-GENERAL - AMENDMENT	78,410	80,200	20OCT88 -28NOV88	3	89FEC/591/4238

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FEDERAL ELECTION COMMISSION
1987-1988

DATE 8MAY89

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 2

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
	REQUEST FOR ADDITIONAL INFORMATION			20OCT88 -28NOV88	4	89FEC/576/0970
	REQUEST FOR ADDITIONAL INFORMATION			20OCT88 -28NOV88	2	89FEC/582/1431
	REQUEST FOR ADDITIONAL INFORMATION 2ND			20OCT88 -28NOV88	1	89FEC/586/1092
	REQUEST FOR ADDITIONAL INFORMATION			20OCT88 -28NOV88	1	89FEC/588/2849
	REQUEST FOR ADDITIONAL INFORMATION			20OCT88 -28NOV88	1	89FEC/590/2573
	YEAR-END	174	12,592	29NOV88 -31DEC88	8	89FEC/581/3621
	YEAR-END - AMENDMENT	-	-	29NOV88 -31DEC88	4	89FEC/586/3712
	YEAR-END - AMENDMENT	174	12,592	29NOV88 -31DEC88	9	89FEC/590/0044
	YEAR-END - AMENDMENT	174	12,592	29NOV88 -31DEC88	4	89FEC/591/4234
	REQUEST FOR ADDITIONAL INFORMATION			29NOV88 -31DEC88	2	89FEC/585/0929
	REQUEST FOR ADDITIONAL INFORMATION 2ND			29NOV88 -31DEC88	1	89FEC/588/0487
	REQUEST FOR ADDITIONAL INFORMATION			29NOV88 -31DEC88	1	89FEC/590/2582
	TOTAL	278,470	0 282,538		0	363 TOTAL PAGES

All reports listed above have been reviewed.

Ending cash-on-hand as of 12/31/88: \$747.53

Debts and obligations owed to the committee as of 12/31/89: \$0

Debts and obligations owed by the committee as of 12/31/89: \$3297.36

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SCHEDULE A

**ITEMIZED RECEIPTS
CONTRIBUTIONS POLITICAL PARTY**

Use separate schedules for each category of the Qualified Summary Page
PAGE 1 OF 2
FOR LINE NUMBER 11b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
West Virginia State Democratic Executive Committee

000407033434

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Tucker for State Senate Drawer 310 Summersville, WV 26651		5-31-87	1,000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 1,000.00	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
West Virgians for Charlie Brown 4108 Noyes Avenue Charleston, WV 25304		6-9-87	1,000.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 1,000.00	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only) **2,000.00**

SCHEDULE A

**ITEMIZED RECEIPTS
CONTRIBUTIONS-POLITICAL ACTION
COMMITTEES**

Use separate schedule for each category of the Detailed Summary Page

PAGE 1 OF 1
FOR LINE NUMBER 11c

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
West Virginia State Democratic Executive Committee

<p>A. Full Name, Mailing Address and ZIP Code RRE State & Local PAC 2 North Shore Center Pittsburgh, PA 15212</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$ 2,000.00</p>	<p>Date (month, day, year) 6-9-87</p>	<p>Amount of Each Receipt this Period 2,000.00</p>
<p>D. Full Name, Mailing Address and ZIP Code Wheeling-Pittsburgh Steel Political Action Committee P. O. Box 118 Pittsburgh, PA 15230</p> <p>Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$ 4,000.00</p>	<p>Date (month, day, year) 6-2-87</p>	<p>Amount of Each Receipt this Period 4,000.00</p>
<p>C. Full Name, Mailing Address and ZIP Code AT&T PAC 506 Madison Avenue New York, NY 10022</p> <p>Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$ 2,000.00</p>	<p>Date (month, day, year) 6-12-87</p>	<p>Amount of Each Receipt this Period 2,000.00</p>
<p>D. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
<p>E. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
<p>F. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>
<p>G. Full Name, Mailing Address and ZIP Code</p> <p>Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Name of Employer</p> <p>Occupation</p> <p>Aggregate Year-to-Date > \$</p>	<p>Date (month, day, year)</p>	<p>Amount of Each Receipt this Period</p>

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only) **8,000.00**



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

JUN 12 1988

Reborah F. Phillips, Treasurer
West Virginia State Democratic
Executive Committee
405 Capitol Street
Suite 304
P.O. Box 6067
Charlestown, WV 25362

Identification Number: C00162178

Reference: Mid-Year Report (1/1/87-6/30/87)

Dear Ms. Phillips:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) from an organization(s) which is not a political committee registered with the Commission. Under 11 CFR 102.5(b), organizations which are not political committees under the Act must either: 1) establish a separate account which contains only those funds permitted under the Act, or 2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If your committee does not finance non-federal activity, the receipt of the referenced contribution(s) may violate the limitations and prohibitions of the Act. (2 U.S.C. §§441a(f) and 441b) If your committee engages in both federal and non-federal activity, either through a separate non-federal account, or one account that finances activity in connection with both federal and non-federal elections, your committee may be in violation of 11 CFR 102.5(a).

Please clarify whether the contribution(s) received from the referenced organization(s) is permissible. To the extent that your committee has received funds which are not permissible, the Commission recommends that you refund the impermissible amount(s) to the donor(s) in accordance with 11 CFR 103.3(b). Alternatively, if you

RD

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choose to transfer the funds to an account not used to influence Federal elections, the Commission desires that you inform the contributor in writing and require the contributor sign the copies of Schedule A forms. You may wish to seek a written authorization (either before or after the transfer-out) from the donor for any transfer-out to protect the donor's interests.

RD

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. Refunds and transfers-out should be disclosed on a supporting Schedule B for Line 26 or 28 of the report covering the period during which they are made.

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information.

Although the Commission may take further legal steps concerning the acceptance of prohibited contributions, prompt action by your committee in refunding or transferring-out the amounts will be taken into consideration!

-Your report disclosed certain line number totals that have been reflected on the wrong lines of the Detailed Summary Page. Contributions from political committees should be properly disclosed on Schedule A, supporting Line 11(c) of the Detailed Summary Page. Please refer to the instructions contained on the forms to determine the proper categorization when preparing your next filing.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,



Robert DiNardo
Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION

88 FEB -1 12:43

OLIVE HENNINGSEN CHAIR
PAUL FLORIS, JR. VICE CHAIR
ARNE L. HELMGAARD, EXECUTIVE DIRECTOR
430 CAPITOL ST., SUITE 804, CHARLESTON, WV 25301
PHONE 1-800-525-0121



January 28, 1988

Mr. Robert DiNardo
Reports Analyst
Reports Analyst Division
Federal Election Commission
Washington, D.C. 20463

Identification No. C00162578

Reference: Mid-Year Report (1-1-87 - 6-30-87)

Dear Mr. DiNardo,

This letter is written in response to your January 12, 1988 letter in which you outlined problems with three contributions listed on our Mid-Year Report.

First, we would like to inform the Commission that these were honest mistakes with no intent to do anything improper. We are listing below the contributions in question with an explanation as to how we handled each one.

PPZ State & Local PAC - \$2,000.00 - In discussing this with Mr. James Fehrig, Russell, Rhea & Zappala, Inc., he asked that we refund the \$2,000.00 and that they would replace this amount with a check from their Federal Account. (Copy of correspondence attached.)

Mr. Larry Tucker, Tucker for State Senate - \$1,000.00 - Mr. Tucker has given us authorization to transfer this amount from our Federal Account to our State Account. (Copy of correspondence attached.)

Mr. Charles Brown, West Virginians for Charlie Brown - \$1,000.00 - Mr. Brown has give us authorization to transfer this amount from our Federal Account to our State Account. (Copy of correspondence attached.)

In addition, you will find attached a copy of the check from our Federal Account to support the transfer of this \$2,000.00 into State Account. These corrections will be reflected on our

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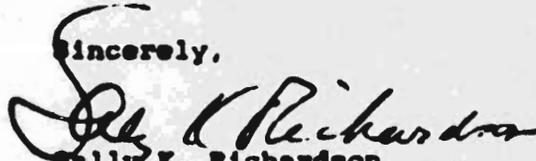
RD

Page Two

April 15 First Quarter Report for 1988. RD

We trust the actions taken will be satisfactory with the Federal Election Commission. If you have questions or need additional information, please contact our Treasurer Mr. John Wooton, (304) 288-2188.

Sincerely,


Sally K. Richardson
State Chair

88035035068



STATE REPRESENTATIVE
RUSSELL REA & ZAPPALA, INC.
2 NORTH SHORE CENTER
PITTSBURGH, PENNSYLVANIA 15212
PHONE 481-1200

January 20, 1988

Mr. James Gehrig
Russell Rea & Zappala, Inc.
2 North Shore Center
Pittsburgh, Pennsylvania 15212

Dear Mr. Gehrig,

As per our telephone conversation today, please find enclosed our check for \$2,000.00 covering a refund to the RRZ State & Local PAC account which covered the donation to our West Virginia Congressional Conference held in June 1987.

We reported this amount to the Federal Election Commission on our semi-annual report and were informed that we should return it since it was not from a federal account that reported to the FEC.

Therefore, as we discussed, I am returning this check to be replaced with a check from your federal PAC.

We are truly sorry for any inconvenience this may have caused and appreciate your prompt attention to this matter.

Sincerely,

Sally K. Richardson
State Chair

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8
8

WEST VIRGINIA
CONGRESSIONAL CONFERENCE
FEDERAL ACCOUNT
P.O. BOX 6067
CHARLESTON, WV 25302

1027

January 20, 80

MEMO

PAY
TO THE
ORDER OF

RRS State & Local PAC

\$ 2,000.00

Two thousand and no/100

DOLLARS

UNITED
FEDERAL BANK
CHARLESTON, WV 25302

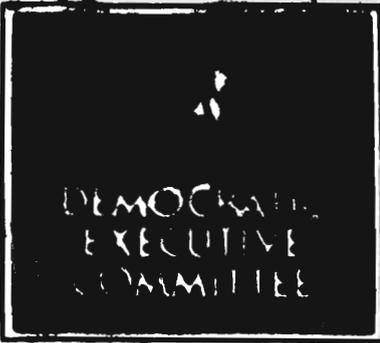
FOR Refund of Non-Federal Funds

Ray Richardson

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15 793 7⑆

88035015070



SALLY K. RICHARDSON, CHAIR
PAUL FLEMMING, 1ST VICE CHAIR
AGNES L. WELSHAM, EXECUTIVE DIRECTOR
605 CAPITOL ST., SUITE 404, CHARLESTON, WV 25301
PHONE 1-800-542-0121

January 20, 1988

Mr. Larry Tucker
Tucker for State Senate
Drawer 310
Summersville, West Virginia 26651

Dear Larry,

This is to confirm our conversation earlier today regarding your \$1,000.00 donation to the West Virginia Congressional Conference held in June 1987.

We reported this amount to the Federal Election Commission on our semi-annual report. They have informed us that this is not an account registered with the FEC and is, therefore, in violation of FEC rules and regulations. As discussed, you have the option of asking for a refund or giving us written authorization to transfer this amount to our non-federal state account.

We have been requested to send a written response to the Federal Election Commission with supporting documentation as to how this will be handled within fifteen days.

Many thanks for your cooperation and we are truly sorry for any inconvenience you may have been caused.

Sincerely,

Sally K. Richardson
State Chair

22705050908

January 21, 1968

Mrs. Sally K. Richardson
State Chair
West Virginia State Democratic
Executive Committee
405 Capitol Street, Suite 804
Charleston, West Virginia 25301

Dear Sally,

As per your written request of January 20, 1968, this letter is being written to give you the authority to transfer the \$1,000.00 donation made to the West Virginia Congressional Conference by the Tucker for State Senate account from your federal account to your state account.

My understanding is that this will be reported to the Federal Election Commission and that the necessary corrections will be made in your first quarterly report for 1968.

Sincerely,


LARRY A. TUCKER

LAT:jc



CHARLIE BROWN
ATTORNEY GENERAL

January 28, 1968

The Honorable Sally K. Richardson
West Virginia State Democratic
Executive Committee
405 Capitol Street, Suite 804
Charleston, West Virginia 25301

Dear Sally:

As per your written request of January 21, this letter is being written to give you the authorization to transfer the \$1,000. donation made to the West Virginia Congressional Conference by the West Virginians for Charlie Brown from your federal account to your state account.

My understanding is that this will be reported to the Federal Election Commission and that the necessary corrections will be reflected in your first quarterly report for 1968.

Thank you, and my best wishes.

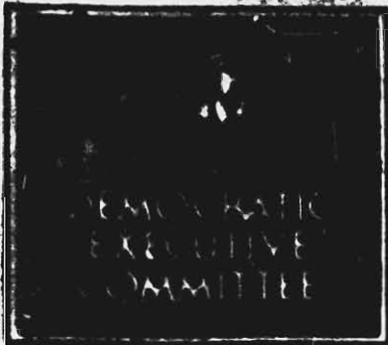
Sincerely,

Charlie Brown
Charles G. Brown
Attorney General

STATE CAPITOL, ROOM E-26
CHARLESTON, WV 25305



8 8 0 3 5 0 5 0 7 3



GILLY K. RICHARDEON, CHAIR
PAUL GIBBS, VP
ANNIS L. WILSON, EXECUTIVE DIRECTOR
ONE CAPITOL ST., STATE BLDG. CHARLESTON, WV 25301
PHONE (304) 528-0101

January 21, 1988

Mr. Charles Brown
West Virginians for Charlie Brown
State of West Virginia
Capitol Complex
Charleston, West Virginia 25305

Dear Charlie,

This is to confirm our conversation earlier today regarding your \$1,000.00 donation to the West Virginia Congressional Conference held in June 1987.

We reported this amount to the Federal Election Commission on our semi-annual report. They have informed us that this is not an account registered with the FEC and is, therefore, in violation of FEC rules and regulations. As discussed, you have the option of asking for a refund or giving us written authorization to transfer this amount to our non-federal state account.

We have been requested to send written response to the Federal Election Commission with supporting documentation as to how this will be handled within fifteen days.

Many thanks for your cooperation and we are truly sorry for any inconvenience you may have been caused.

Sincerely,



Gilly K. Richardson
State Chair

68035074

SCHEDULE B

FINANCIAL STATEMENTS

TRAFFIC to Affiliated Committee

(See column schedule for each category of the Budget Summary Page)

PAGE	of
1	1
FOR LINE NUMBER	
21	

Any information required from each Reporter and Committee shall be to and used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any person mentioned to solicit contributions from such committee.

NAME OF COMMITTEE as full
West Virginia State Democratic Executive Committee

27

03804374391197

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
W.Va. State Democratic Exec. Com. (non-federal acct.) 604 Capitol St., S-904 Charleston, WV 25301	Transfer Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-29-88	2,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	
TOTAL This Period (use this line number only)	2,000.00

* NOTE: Original contributions Tucker for State Senate \$1,000.00 and West Virginians for Charlie Brown \$1,000.00 - were itemized on Schedule A, Line 11b of July 31 1987 Mid Year Report (non election year)

SCHEDULE B

FINANCIAL DISBURSEMENTS

The general schedule for each category of the Detailed Summary Page

Refund to PAC

Any information copied from such reports and documents may not be sold or used by any person for the purpose of making contributions or for commercial purposes, other than using the name and address of any person, permitting to obtain contributions from such committee.

NAME OF COMMITTEE TO FILE

West Virginia State Democratic Executive Committee

30735143812

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
RR# State & Local PAC 2 North Shore Center Pittsburgh, PA 15212	Refund * Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-20-88	2,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	
TOTAL This Period (list page this line number on v)	2,000.00

*NOTE: Original contribution from RR# State & Local PAC was itemised on Schedule A, Line 11C of July 31, 1987 Mid Year Report (Non-Election Year)

National Election Commission
February 28, 1988
Page two

REPORT-1987 End of Year

Line 13(c) \$2000 contribution from the West Virginia Democratic Women's Federation was not reported. RD

REPORT-1988 April 15 Quarterly

Lines 6(a) (b) Cash on hand balances changed to reflect actual money. (Balances reported originally showed the 1987 beginning balance for line 6(a).

Line 19 additional \$36.00 added to operating expenditures for:
\$10.00 bank fee (stop payment)
\$10.00 bank fee (stop payment)
\$13.00 bank fee (returned check)
\$ 3.00 bank fee (service charge)

Line 26(c) shows additional \$2000 refund of contribution from Democratic Women's Federation. RD

REPORT-1988 July 15 Quarterly

Line 19 Expenditure shown as "Randolph County" should read "Putnam County." In addition, expenditure to Randolph County Commission in the amount of \$140.00 should be added. Additionally, \$9.27 in bank fees (\$3.63 service charge and \$5.64 service charge) should be added thereby increasing the expenditures by \$149.27.

REPORT-1988 October 15 Quarterly

Line 19 - \$3,901.35 was deducted from original amount reported (clerical error). Additionally, \$5.32 for bank service fee needed to be added.

REPORT- 1988 Pre-election

Line 19 - an increase in expenses for total of \$248.41 represented by check to Joseph Bagnoli for travel expenses (\$238.41) and \$10.00 bank fee (stop payment).

REPORT-1988 Post General

Line 11(a)(11) decrease of \$30.64 (clerical error)

Line 19 - increase of \$161.22. Expenditure to Joseph Bagnoli was reported as \$157.60. Actual amount was \$318.82. (difference \$161.22).

All changes/corrections were reflected in the Committee's Year End Report 1988. Every effort has been made to comply with the reporting regulations

3 0 0 3 0 0 6 7 3 0 7 3 1 4 2 5 0

General [unclear]
Federal [unclear]
February 20, 1966
Big [unclear]

accuracy. The [unclear] [unclear] the [unclear] reflected in this report is correct. I trust the [unclear] addresses the matters raised in your February 15, 1966 letter. If further information is needed, please advise.

Sincerely yours,



Steven F. White

SFW:h's

cc: West Virginia State Democratic
Executive Committee

3 0 0 4 3 3 7 1 4
3 0 0 4 3 3 7 1 4

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

Deborah F. Philips, Treasurer
West Virginia State Treasurer
Executive Committee
405 Capitol Building
Charleston, WV 25301

Identification Number: C0920079

Reference: Amended Report for 2008-2009, Amended Report
Quarterly (4/1/08-6/30/08), Amended Report Quarterly (7/1/08-
9/30/08), Amended - 15 Day Post-General (10/1/08-
10/15/08), and Amended 30 Day Post-General (10/20/08-
11/28/08) Reports dated 1/28/09

Dear Ms. Philips:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Please provide an amended Summary Page, Detailed Summary Page, and appropriate Schedules to account for the changes in financial activity.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Robert B. DiNardo
Reports Analyst
Reports Analysis Division

3 0 3 5 8 0 2 8 5 4

Amended
1987 Year End Report

RV

WV State Democratic Executive Committee

A. Full Name, Mailing Address and ZIP Code	Name of Employer PAC	Date (month, day, year) 11-6-87	Amount of Each Receipt this Period 2000.00
WV Federation of Democratic Clubs Rt. 10, Box 399 Morgantown, WV Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 0	
B. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
C. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 0	
D. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 0	
F. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 0	
H. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
I. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 0	
J. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
K. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 0	
(B) TOTAL of Receipts This Page (optional)			
(C) TOTAL This Period (last page this line number only)			

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Amended
1988 April Quarterly Report

UNITED STATES
19

WV State Democratic Executive Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Cash Disbursement This Period
United National Bank United Center Charleston, WV 25301	bank service fee	2-17-88	3.00
SAME	returned check fee	2-17-88	13.00
SAME	bank fee-stop payment	3-6-88	10.00
SAME	bank fee-stop payment	3-17-88	10.00
WV Federation of Democratic Women c/o Marge Burke Glenville, WV	refund contribution	3-28-88	2000.00

RD

TOTAL of Disbursements This Page (optional)	
TOTAL This Period (last page this line number only)	13,302.70



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20541

RD-2

APR 5 1988

Deborah F. Phillips, Treasurer
West Virginia State Democratic
Executive Committee
605 Capitol Street, 0004
Charleston, WV 25301

Identification Number: C00162578

Reference: Amended April Quarterly Report (1/1/88-3/31/88, dated
3/24/88)

Dear Ms. Phillips:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-The Commission notes the refund of the apparent impermissible funds received from organizations that are not registered political committees. Although the Commission may take further legal steps concerning the acceptance of impermissible funds, the prompt action by your committee will be taken into consideration. RD

-Your amended Summary Page omits Line 10, debts owed by your committee. Schedule D of your report discloses a debt owed to your non-federal account for administrative expenses. Please file an amendment to clarify this discrepancy.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Robert DiWardo
Reports Analyst
Reports Analysis Division

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89 JUN 28 PM 2:34

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral 89L-18
STAFF MEMBER: George F. Rishel
Jeffrey Long

SOURCE: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS: West Virginia State Democratic
Executive Committee and Deborah F.
Phillips, treasurer

RELEVANT STATUTE: 11 C.F.R. § 102.5(a)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was referred to the Office of the General Counsel on May 23, 1989, regarding the receipt by the West Virginia State Democratic Executive Committee ("Respondent") of a total of \$6,000 in contributions from four unregistered organizations. Attachment 1.

II. FACTUAL AND LEGAL ANALYSIS

The Commission regulations provide that for organizations, including party committees, which establish separate accounts for federal and non-federal activity that only funds subject to the limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended ("the Act"), may be deposited into the federal account. 11 C.F.R. § 102.5(a). The Act prohibits corporate and union contributions. 2 U.S.C. § 441b.

The Reports Analysis Division ("RAD") on January 12, 1988, sent the Respondent a Request for Additional Information ("RFAI")

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noting the receipt of \$4,000 in contributions from three unregistered organizations reported on the 1987 Mid-Year Report. On January 28, 1988, the Respondent answered the RFAI and its instructions by providing copies of the correspondence to the unregistered organizations and the transfer and refund checks. The Respondent also reported the refund and the transfer on its 1988 April Quarterly Report. These contributions and refund and transfers were as follows:

<u>Contributor/Amount</u>	<u>Date Received</u>	<u>Date Refund/Transfer</u>
Tucker for State Senate \$1,000	5-31-87	1-28-88
West Virginians for Brown \$1,000	6-9-87	1-28-88
RRZ State & Local PAC \$2,000	6-9-87	1-20-88

In March 1989, the Respondent filed a letter in response to another RFAI that also amended certain reports and listed a \$2,000 contribution received on 11-6-87 from an unregistered organization (West Virginia Federation of Democratic Women) and a refund on 3-28-88 to that organization. The Respondent later filed an amended schedule itemizing the receipt and refund. On April 5, 1989, RAD sent the Respondent an Informational Notice ("IN") noting the refund of "apparent impermissible funds" and informing the Respondent that the Commission "may take further legal steps concerning the acceptance of impermissible funds."

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In the RFAI, RAD informs the committee that its report disclosed contributions from an unregistered organization and paraphrases 11 C.F.R. § 102.5(b). It then tells the committee

that if it does not finance non-federal activity, the receipt of the referenced contributions may violate 2 U.S.C. §§ 441a(f) and 441b and that if it does finance both federal and non-federal activity, the receipt may violate 11 C.F.R. § 102.5(a). It requests clarification of whether the contribution is permissible and, to the extent that it is not permissible, recommends a refund of the impermissible amounts to the donor in accordance with 11 C.F.R. § 103.3(b). The RFAI further states that, alternatively, if the committee chooses to transfer the funds to a non-federal account, it should inform the donor in writing and give the donor the option of requesting a refund. It then asks the committee to inform the Commission immediately in writing and provide a copy of all refund or transfer checks.

Where an unregistered organization makes a contribution to a federal committee that exceeds \$1,000 in any calendar year,¹ it qualifies as a political committee under the Act and incurs a registration and reporting obligation. See 2 U.S.C. §§ 431(4), 433, and 434. Commission regulations provide that political

1. We note that the Act's contribution limitations permit any person (including an unregistered organization) to make a contribution of up to \$5,000 per calendar year to an unauthorized committee. 2 U.S.C. § 441a(a)(1)(C).

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committees which have cash on hand at the time of registration shall disclose the source of such funds on their first report, assuming the balance is composed of those contributions most recently received but excluding from the balance any impermissible funds. The Commission has noted in advisory opinions that an unregistered organization making a one-time contribution or transfer of more than \$1,000 in any calendar year to a federal committee may register, report, and terminate with a single filing. See Advisory Opinions 1987-12 and 1984-46.

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As the RFAI points out, Commission regulations at 11 C.F.R. § 102.5(b) specifically permit organizations that are not political committees under the Act to make contributions. To do so legally, the unregistered organization has two options: (1) establish a separate account containing only permissible funds from which contributions are made to federal committees and whose records are available for examination by the Commission on request; or (2) demonstrate through a reasonable accounting

2. In other instances where the Commission has found reason to believe against an unregistered organization for its failure to register and report, the Commission has later determined to take no further action where the unregistered organization shows it did not intend to make a contribution to a federal committee. See, e.g. MUR 2309 (originating as an audit referral).

method that whenever any contribution to a federal committee was made, the organization had received sufficient permissible funds to make the contribution and to make its records of amounts received or expended under this provision available for examination by the Commission on request. Thus, an unregistered organization may have impermissible funds in its account and still make a contribution to a federal committee as long as it has sufficient permissible funds in the account when the contribution is made.

At this point, a review of three prior referrals involving receipts from unregistered organizations may be helpful. In MUR 2537 (RAD Referral 87L-22), the Commission found reason to believe the Gerald R. Ford-New Leadership Fund had violated 2 U.S.C. § 441b and 11 C.F.R. § 102.5(a) regarding its receipt of \$5,000 each from three unregistered state gubernatorial committees. Two of the committees were located in states (Idaho and Kansas) that permit corporate and union contributions. The third committee was in a state (Texas) that prohibits both corporate and union contributions. An investigation was conducted including asking the unregistered organizations for an accounting of the funds in their account at the time of the contributions in question. This office then issued a brief recommending probable cause on both Section 441b and Section 102.5(a). On September 27, 1988, the Commission was evenly divided regarding this Office's recommendations and, instead, found probable cause on Section 102.5(a) alone. A conciliation agreement including an admission and a civil penalty of \$1,500

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was approved on March 1, 1989.

In MUR 2614 (RAD Referral 88L-04), the Commission on May 23, 1988, found reason to believe the New York Republican County Committee had violated 2 U.S.C. §§ 441a(f) and 441b and 11 C.F.R. § 102.5(a) regarding its receipt of aggregate contributions of \$6,000 in a single year from the Real Estate Board PAC, an unregistered organization. New York law limits corporate contributions to an aggregate of \$5,000 per year but does not limit union contributions. The matter was concluded during preprobable cause conciliation with an agreement approved on February 13, 1989, that retained admissions on the original findings.

In MUR 2631 (RAD Referral 88L-08) the Commission on June 14, 1988, found reason to believe the Republican Committee of Oakland County (Michigan) had violated 2 U.S.C. § 441b and 11 C.F.R. §§ 102.5 and 102.6 regarding its receipt of \$5,710 in contributions from 12 unregistered organizations in amounts ranging from \$250 to \$1,200. In response, the Oakland County committee submitted affidavits and other documentation, which it had obtained, from the unregistered organizations to establish that they had sufficient permissible funds on hand at the time they made their contributions. On November 15, 1988, the Commission voted to take no further action with respect to the Section 441b and Section 102.6 findings and merged the Section 102.5(a)(2) aspect of the findings with MUR 2550, which involved a finding on the same section regarding the receipt of excessive contributions from certain individuals. On March 1, 1989, the

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Commission accepted a signed conciliation agreement in this matter.

More recently, in MUR 2805 (RAD Referral 88L-22), the Commission on January 11, 1989, found reason to believe the Allegheny County Republican Campaign Committee violated 11 C.F.R. § 102.5(a) regarding the deposit of contributions from three unregistered organizations (in amounts of \$500, \$3,000, and \$5,000 respectively) but also decided to take no further action and closed the file. Shortly thereafter, in RAD Referral 88L-27, this Office recommended that the Commission find reason to believe the Allegheny County Democratic Caucus had violated 11 C.F.R. § 102.5(a) with respect to its receipt of \$26,175 in contributions from 51 unregistered organizations in amounts ranging from \$100 to \$3,000. We made no recommendation regarding 2 U.S.C. § 441b because Pennsylvania law prohibits both corporate and union contributions. After considerable discussion spanning two meetings, the Commission on March 16, 1989, unanimously voted to reject our recommendations and voted not to open a Matter Under Review.

As noted, this referral involves the receipt by the Respondent of \$6,000 from four unregistered organizations in calendar year 1987: \$1,000 each from two state and local West Virginia candidate committees; \$2,000 from the West Virginia Federation of Democratic Women; and \$2,000 from RRZ State and Local PAC of Pittsburgh, Pennsylvania.³ West Virginia permits

3. RAD Referral 88L-27 also involved a contribution (\$1,800) from RRZ State and Local PAC.

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union contributions up to \$1,000 per candidate per election but prohibits corporate contributions, while Pennsylvania prohibits both corporate and union contributions. Moreover, the Respondent has not produced any evidence to show that at the time the unregistered organizations made these contributions, the unregistered organizations had sufficient permissible funds in their accounts, particularly since West Virginia permits union contributions.

Accordingly, this Office recommends that the Commission find reason to believe the Respondent has violated 2 U.S.C. § 441b and 11 C.F.R. § 102.5(a).

III. RECOMMENDATIONS

1. Open a Matter Under Review.
2. Find reason to believe the West Virginia State Democratic Executive Committee and Deborah F. Phillips, as treasurer, violated 2 U.S.C. § 441b and 11 C.F.R. § 102.5(a).
3. Approve the attached letter, factual and legal analysis, and interrogatories and request for documents.

Lawrence M. Noble
General Counsel

6/28/89
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

1. Referral Materials
2. Letter, Factual and Legal Analysis, and Interrogatories and Request for Documents

00040703464

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
West Virginia State Democratic) RAD Referral 89L-18
Executive Committee and)
John D. Wooton, as treasurer)

(MUR 2928)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 11, 1989, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in the above-captioned matter:

1. Open a Matter Under Review.
2. Find reason to believe the West Virginia State Democratic Executive Committee and John D. Wooton, as treasurer, violated 2 U.S.C. §§ 441b and 433(c) and 11 C.F.R. § 102.5(a).
3. Approve the letter, factual and legal analysis, and interrogatories and request for documents as recommended in the General Counsel's report dated June 28, 1989, subject to amendment as required by the actions noted above and the discussion held in the meeting.

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

Attest:

7-13-89
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 20, 1989

John D. Wooton, Treasurer
West Virginia State Democratic
Executive Committee
405 Capitol Street, #804
Charleston, WV 25301

RE: MUR 2928
West Virginia State Democratic
Executive Committee and
John D. Wooton, as treasurer

Dear Mr. Wooton:

On July 11, 1989, the Federal Election Commission found that there is reason to believe the West Virginia State Democratic Executive Committee ("Committee") and you, as treasurer, violated 2 U.S.C. §§ 441b and 433(c), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and 11 C.F.R. § 102.5(a) of Commission 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 along with answers to the enclosed questions 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.

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
John D. Wooton

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Page 2

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.

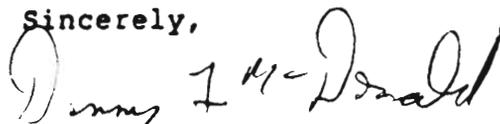
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 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 Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,


Danny L. McDonald
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Questions

00040703457

OGC 3672
Long

LAW OFFICES
GOODWIN & GOODWIN
1800 ONE VALLEY SQUARE
CHARLESTON, WEST VIRGINIA 25301

800 CHURCH STREET
RIPLBY, WEST VIRGINIA 25271
304/372-2881

304/348-7000
TELECOPIER 304/344-8882

201 THIRD STREET
PARKERSBURG, WEST VIRGINIA 26101
304/485-2345
C. E. GOODWIN
GEORGE M. SCOTT
COUNSEL

ROBERT B. GOODWIN 1909-1955

- THOMAS R. GOODWIN
- JOSEPH R. GOODWIN
- STEPHEN P. GOODWIN
- MICHAEL I. SPIKER
- STEVEN F. WHITE
- RICHARD E. ROWE
- ROBERT O. SAYRE, JR.
- CARRIE L. NEWTON
- LEONARD S. COLEMAN
- SUSAN C. WITTEMEIER
- ROBERT W. FULL
- RICHARD D. OWEN
- B. KARLETON KESNER
- DANIEL C. TAYLOR
- SUZANNE JETT
- BARBARA J. KEEFER
- CHARLES R. WEBB
- DEBRA C. PRICE
- WILLIAM H. HUTCHENS, III
- MICHAEL L. KELLER

REPLY TO: Charleston

July 31, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 AUG -4 PH 1:00

Danny L. McDonald
Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2928
West Virginia State Democratic Executive Committee and
John D. Wooton, as Treasurer

Dear Mr. McDonald:

This is in response to your July 20, 1989 letter addressed to the West Virginia State Democratic Executive Committee (the "Committee"). The four contributions in question were accepted by the Committee due to a clerical error. The contributions were refunded or transferred within 30 days after the Committee learned of the error, as required by 11 CFR 103.3(b).

Moreover, it is the Committee's belief, after diligent inquiry, that the unregistered organizations had only permissible funds in their accounts at the time of the donations. West Virginia and Pennsylvania law both prohibit corporate contributions. Union contributions are also prohibited in Pennsylvania, while West Virginia permits union contributions. The Committee has been advised that the unregistered West Virginia organizations had no union contributions at the time of the donations in question.

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GOODWIN & GOODWIN

Any failure by the Committee to notify the Commission within 10 days of the change in treasurer was inadvertent. Mr. Wooton has signed every report submitted to the Commission since he became treasurer, and there obviously has been no attempt to conceal this information.

I trust that the above adequately responds to your inquiry. If any further information is required please advise.

Sincerely yours,



Steven F. White

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SFW:lsg

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2928

NAME OF COUNSEL: Steven F. White

ADDRESS: 1500 One Valley Square
Charleston, WV 25301

TELEPHONE: 346-7000

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.

8/1/89
Date

Steven F. White, Chair
Signature

RESPONDENT'S NAME: West Virginia State Democratic Executive Committee

ADDRESS: 405 Capitol Street, S-804
Charleston, WV 25301

HOME PHONE: _____

BUSINESS PHONE: 345-8121

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89 SEP 11 AM 11:16

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

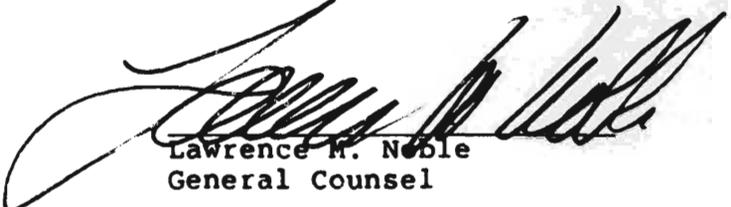
In the Matter of)
)
West Virginia State Democratic) MUR 2928
Executive Committee and John)
D. Wooton, as treasurer)

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to the West Virginia State Democratic Executive Committee and John D. Wooton, as treasurer, based on the assessment of the information presently available.

Date

9/11/89


Lawrence M. Noble
General Counsel

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09 SEP 21 PM 4:22



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

September 21, 1989

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to be "LMN", written over the name "Lawrence M. Noble".

SUBJECT: MUR 2928

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 respondents of the General Counsel's intent to recommend to the Commission findings of no probable cause to believe and probable cause to believe were mailed on September 21, 1989. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to respondents

Staff persons: Jeffrey D. Long
George F. Rishel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 21, 1989

Steven F. White, Esquire
Goodwin & Goodwin
1500 One Valley Square
Charleston, WV 25301

RE: MUR 2928
West Virginia State Democratic
Executive Committee and John
D. Wooton, as treasurer

Dear Mr. White:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you, on July 11, 1989, the Federal Election Commission found reason to believe that your clients, violated 2 U.S.C. §§ 441b and 433(c) and 11 C.F.R. § 102.5(a), 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 no probable cause to believe that violations of 2 U.S.C. § 441b and 11 C.F.R. § 102.5(a) have occurred and probable cause to believe a violation of 2 U.S.C. § 433(c) has occurred.

The Commission may or may not approve the General Counsel's recommendations. 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

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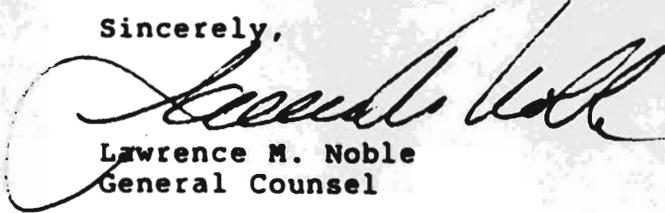
Steven F. White
Page 2

not give extensions beyond 20 days.

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 Jeff Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
West Virginia State Democratic) MUR 2928
Executive Committee and John D.)
Wooton, as treasurer)

GENERAL COUNSEL'S BRIEF

I. BACKGROUND

On July 11, 1989, the Commission found reason to believe the West Virginia State Democratic Executive Committee ("Committee") and John D. Wooton, as treasurer, violated 2 U.S.C. §§ 441b and 433(c) and 11 C.F.R. § 102.5(a) and instituted an investigation into this matter. These findings related to the Committee's receipt of \$6,000 in contributions from four unregistered organizations and its failure to notify the Commission of a change of treasurer.

II. ANALYSIS

A. The Committee did not receive impermissible funds when it deposited contributions from four unregistered organizations.

Commission regulations provide that for organizations, including party committees, which establish separate accounts for federal and non-federal activity that only funds subject to the limitations and prohibitions of the Federal Election Campaign Act of 1971, as amended ("the Act"), may be deposited into the federal account. 11 C.F.R. § 102.5(a)(1). Commission regulations further provide that funds deposited into such an account must be designated for the federal account, result from solicitations that expressly state the contributions will be used in federal elections, and are from contributors who are informed

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their contributions are subject to the prohibitions and limitations of the Act. 11 C.F.R. § 102.5(a)(2). The Act prohibits corporate and union contributions. 2 U.S.C. § 441b.

The Committee noted the receipt of \$4,000 in contributions from three unregistered organizations reported on the 1987 Mid-Year Report. The Committee reported the refund and the transfers on its 1988 April Quarterly Report. These contributions, refund, and transfers were as follows:

<u>Date Contributor/Amount</u>	<u>Date Received</u>	<u>Refund/Transfer</u>
Tucker for State Senate \$1,000	5-31-87	1-28-88
West Virginians for Brown \$1,000	6-9-87	1-28-88
RRZ State & Local PAC \$2,000	6-9-87	1-20-88

In March 1989, the Committee amended certain reports and listed a \$2,000 contribution received on 11-6-87 from an unregistered organization (West Virginia Federation of Democratic Women) and a refund on 3-28-88 to that organization.

In response to the Commission's findings and questions, counsel has stated that the "four contributions in question were accepted by the Committee due to a clerical error." He notes that they "were refunded or transferred within 30 days after the Committee learned of the error, as required by 11 CFR 103.3(b)."

Counsel further states:

Moreover, it is the Committee's belief, after diligent inquiry, that the unregistered organizations had only permissible funds in their accounts at the time of the donations. West Virginia and Pennsylvania law both prohibit corporate contributions. Union contributions are also prohibited in Pennsylvania, while

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West Virginia permits union contributions. The Committee has been advised that the unregistered West Virginia organizations had no union contributions at the time of the donations in question.

Counsel represents in his letter that none of the unregistered organizations had corporate or union contributions in their accounts at the time of the contributions. The amounts of the contributions are within the \$5,000 contribution limitation of 2 U.S.C. § 441a(a)(1)(C) for contributions to the West Virginia State Democratic Executive Committee. Commission regulations do not prevent a party political committee from accepting a contribution from an unregistered organization up to \$5,000 as long as it consists of permissible funds, even though it may trigger political committee status for the donating organization. Furthermore, the Committee had, in response to inquiries from the Commission, refunded or transferred funds equal to this contributions to it nonfederal account.

Accordingly, the General Counsel recommends that the Commission find no probable cause to believe the Committee and its treasurer violated 2 U.S.C. § 441b and 11 C.F.R. § 102.5(a).

B. The Committee failed to notify the Commission of a change of treasurer within ten days of such change.

The Act provides that a political committee's Statement of Organization shall contain the name and address of the treasurer of the committee. 2 U.S.C. § 433(b)(4). It further provides that any "change in information previously submitted in a statement of organization shall be reported in accordance with

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section 432(g) no later than 10 days after the date of the change." 2 U.S.C. § 433(c). Commission regulations further explain such changes may be reported by filing an amended Statement of Organization or by filing a letter noting the change. The amendment or letter need list only the name of the committee and the change or correction. 11 C.F.R. § 102.2(a)(2).

On June 21, 1989, the Commission received a letter from counsel for the Committee stating that John D. Wooton had been treasurer of the Committee since June 1986. With regard to the change of treasurer, counsel notes that the failure to notify the Commission within 10 days was "inadvertent" and that "Mr. Wooton has signed every report submitted to the Commission since he became treasurer, and there obviously has been no attempt to conceal this information."

Although Mr. Wooton had signed the Committee's reports since June 1986, the Committee had not filed any amendment to its Statement of Organization or any letter informing the Commission of such change until the receipt of counsel's letter on June 21, 1989, three years later.

Accordingly, the General Counsel recommends that the Commission find probable cause to believe the Committee and its treasurer violated 2 U.S.C. § 433(c).

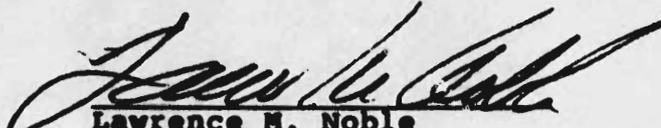
III. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find no probable cause to believe that the West Virginia State Democratic Executive Committee and John D. Wooton, as treasurer violated 2 U.S.C. § 441b and 11 C.F.R. § 102.5(a).

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2. Find probable cause to believe that the West Virginia State Democratic Executive Committee and John D. Wooton, as treasurer, violated 2 U.S.C. § 433(c).

9/2/81
Date


Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

89 OCT 31 AM 11:19

In the Matter of)
)
West Virginia State Democratic) MUR 2928
Executive Committee and John)
D. Wooton, as treasurer)

EXECUTIVE SESSION
NOV - 7 1989

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter arose from a referral to the Office of the General Counsel from the Reports Analysis Division on May 23, 1989. On July 11, 1989, the Commission found reason to believe the West Virginia State Democratic Executive Committee and John D. Wooton, as treasurer, ("the Respondents") violated 2 U.S.C. §§ 441b and 433(c) and 11 C.F.R. § 102.5(a). These findings related to the Respondents' receipt of \$6,000 in contributions from four unregistered organizations and the failure to notify the Commission of a change of treasurer. Counsel for the respondents filed a response to these findings and the Commission's request for information on August 4, 1989. Attachment 1. The General Counsel's Brief was mailed to counsel for the Respondents on September 21, 1989.

II. ANALYSIS

In the General Counsel's Brief mailed on September 21, 1989, the General Counsel recommended that the Commission find no probable cause the Respondents violated 2 U.S.C. § 441b and 11 C.F.R. § 102.5(a) and that the Commission find probable cause the Respondents violated 2 U.S.C. § 433(c). Counsel for the Respondents has not filed a responsive brief. On October 18, 1989, staff of this Office telephoned counsel for the

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Respondents. Counsel informed staff that he had nothing to add to his previous submission and would not be filing a responsive brief. Therefore, this Office relies on the factual and legal analysis set forth in the September 21st brief and incorporates it into this report by reference.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

IV. RECOMMENDATIONS

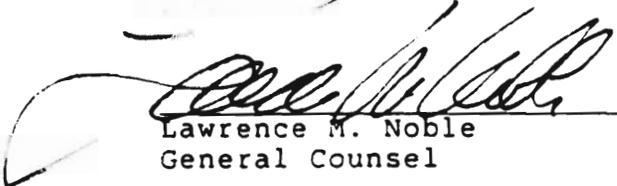
1. Find no probable cause to believe the West Virginia State Democratic Executive Committee and John D. Wooton, as treasurer violated 2 U.S.C. § 441b and 11 C.F.R. § 102.5(a).

2. Find probable cause to believe the West Virginia State Democratic Executive Committee and John D. Wooton, as treasurer, violated 2 U.S.C. § 433(c).

3. Approve the attached conciliation agreement and letter.

10/30/89

Date


Lawrence M. Noble
General Counsel

Attachments:

1. Response from counsel
2. Letter
3. Conciliation agreement

Staff assigned: Jeffrey D. Long
George F. Rishel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
West Virginia State Democratic) MUR 2928
Executive Committee and John)
D. Wooton, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session on
November 14, 1989, do hereby certify that the Commission
decided by a vote of 6-0 to take the following actions
in MUR 2928:

1. Find no probable cause to believe the
West Virginia State Democratic
Executive Committee and John D. Wooton,
as treasurer, violated 2 U.S.C. § 441b
and 11 C.F.R. § 102.5(a).
2. Find probable cause to believe the
West Virginia State Democratic
Executive Committee and John D. Wooton,
as treasurer, violated 2 U.S.C. § 433(c).

(continued)

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Federal Election Commission
Certification for MUR 2928
November 14, 1989

Page 2

3. Approve the conciliation agreement and letter attached to the General Counsel's report dated October 30, 1989.

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

Attest:

Date: 11/16/89

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20541

November 20, 1989

Steven F. White, Esquire
Goodwin & Goodwin
1500 One Valley Square
Charleston, WV 25301

RE: MUR 2928
West Virginia State Democratic
Executive Committee and John
D. Wooton, as treasurer

Dear Mr. White:

On November 14, 1989, the Federal Election Commission found that there is probable cause to believe your clients violated 2 U.S.C. § 433(c), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the failure to notify the Commission of a change of treasurer within 10 days of such change. This is to advise you that on November 14, 1989, the Commission also found that there is no probable cause to believe your clients violated 2 U.S.C. § 441b and 11 C.F.R. § 102.5(a).

The Commission has a duty to attempt to correct such violation 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.

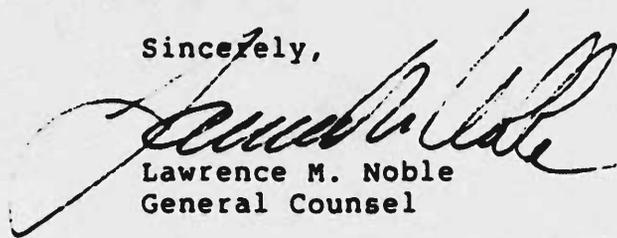
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept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

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Steven F. White
Page 2

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 conciliation agreement, please contact Jeffrey D. Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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90 FEB 28 AM 11:14

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
West Virginia State Democratic) MUR 2928
Executive Committee and John D.)
Wooten, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Lloyd G. Jackson II, Chairman of the West Virginia State Democratic Executive Committee.

The attached agreement contains no changes from the agreement approved by the Commission on January 26, 1990. A check for the civil penalty (\$250.00) has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with West Virginia State Democratic Executive Committee and John D. Wooten, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

2/27/90
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondent

Staff Assigned: Jeffrey Long

00040703485

CLOSED



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 8, 1990

Steven White, Esquire
Goodwin & Goodwin
1500 One Valley Square
Charleston, West Virginia 25301

RE: MUR 2928
West Virginia State
Democratic Executive
Committee and John D.
Wooten, as treasurer

Dear Mr. White:

On March 2, 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. § 433(c), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed.

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 Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in black ink, appearing to read "Lois G. Lerner".

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
West Virginia State Democratic) MUR 2928
Executive Committee and John)
D. Wooten, 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 the West Virginia State Democratic Executive Committee and John D. Wooten, as treasurer, ("Respondents") violated 2 U.S.C. § 433(c).

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 his matter.

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

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

1. The West Virginia State Democratic Executive Committee ("the Committee") is a political committee within the meaning of 2 U.S.C. § 431(4).

2. John D. Wooten is the treasurer of the West Virginia State Democratic Executive Committee.

3. The Federal Election Campaign Act of 1971, as

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amended ("the Act"), provides that a political committee's Statement of Organization shall contain the name and address of the treasurer of the committee. 2 U.S.C. § 433(b)(4). The Act further provides that any change in information previously submitted in a Statement of Organization shall be reported in accordance with Section 432(g) no later than 10 days after the date of the change. 2 U.S.C. § 433(c). Commission regulations further explain that such changes may be reported by filing an amended Statement of Organization or by filing a letter noting the change. The amendment or letter need list only the name of the committee and the change or correction. 11 C.F.R. § 102.2(a)(2).

4. On June 21, 1989, the Federal Election Commission received a letter from counsel for the Respondents stating that John D. Wooten had been treasurer of the Committee since June 1986. Although John D. Wooten had signed the Committee's reports filed with the Commission since June 1986, no amendment to the Committee's Statement of Organization or letter had been filed with the Commission noting such change until the receipt of the letter on June 21, 1989, three years after the change of treasurer.

V. Respondents failed to notify the Commission of the change of treasurer within 10 days of such change in violation of 2 U.S.C. § 433(c). Respondents contend that the above violation was not knowing and willful.

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VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of two hundred and fifty dollars (\$250.00), 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 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 thirty (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

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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: *[Signature]*
Lois G. Lerner
Associate General Counsel

3/8/90
Date

FOR THE RESPONDENTS:

[Signature] Chair
(Name)
(Position)

Date

90040703401

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2928
West Virginia State Democratic)
Executive Committee and John D.)
Wooten, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 2, 1990, the Commission decided by a vote of 4-0 to take the following actions in MUR 2928:

1. Accept the conciliation agreement with West Virginia State Democratic Executive Committee and John D. Wooten, as treasurer, as recommended in the General Counsel's report dated February 27, 1990.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report dated February 27, 1990.

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

Attest:

3-2-90

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Wed., Feb. 28, 1990	11:14 a.m.
Circulated to the Commission:	Wed., Feb. 28, 1990	4:00 p.m.
Deadline for vote:	Fri., March 1, 1990	4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2728

DATE FILMED 4/6/90 CAMERA NO. 4

CAMERAMAN AS

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