FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3022

DATE FILMED 10/12/91 CAMERA NO. 2

CAMERAMAN AS

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: June 22, 1989

ANALYST: Kate Henry

I. COMMITTEE: Californians for Individual Rights and Civil Liberties (C00206128)
Michael R. Tripp, Treasurer
(July 12, 1988 - Present)
Thomas Hunter Russell, Treasurer
(April 29, 1986 - July 11, 1988)
7080 Hollywood Boulevard, Suite 502
Hollywood, CA 90028

II. RELEVANT STATUTE:
2 U.S.C. §441a(f)
2 U.S.C. §441a(a)(1)(A)
11 CFR 110.1(a)(1)
11 CFR 102.5(a)(1)(i)
11 CFR 110.9(a)

III. BACKGROUND:

Excessive Contributions Made to Federal Candidate Committees, Receipt of Excessive Contributions from an Individual and Receipt of Funds from an Unregistered Organization

Californians for Individual Rights and Civil Liberties ("the Committee") made apparent excessive contributions totalling $7,004 to two federal candidate committees accepted excessive contributions from an individual totalling $6,300, and received $300 from an unregistered organization during 1988.

The Committee (a non-qualified committee) disclosed two contributions to Nathan Rosenberg for Congress: a $2,500 undesignated in-kind contribution[1/] dated April 21, 1988 and

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1/ Please note that when the primary/general election indicator was left blank when itemizing contributions, meaning the Committee did not specify whether the contribution was designated for the primary or general election, the Reports Analysis Division ("RAD") analyst referred to 11 CFR 110.1(b)(2)(ii), which states, "In the case of a contribution not designated in writing by the contributor for a particular election, the next election for that federal office after the contribution is made." The RAD analyst therefore attributed the "undesignated" contribution to the June 7, 1988 Primary election.

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a second contribution of $1,505 designated for the Primary election and dated April 24, 1988, on the 1988 12 Day Pre-Primary Report (Attachment 2). On the same report, the Committee disclosed the receipt of contributions from an individual, Mr. Richard M. Reinsch, between April 20, 1988 and May 9, 1988, totalling $11,300 (Attachment 3).

The Committee's 1988 July Quarterly Report disclosed apparent excessive contributions to two additional federal candidate committees. The report disclosed a total of $1,505 in undesignated contributions to Harriett Wieder for Congress dated June 1, 1988 and June 2, 1988 and a $4,999 undesignated contribution to Tom Campbell for Congress dated June 2, 1988 (Attachment 4).[2]

Two Requests for Additional Information ("RFAIs") were sent to the Committee on September 7, 1988 (Attachments 5 and 6). The first RFAI, referencing the 1988 12 Day Pre-Primary Report, noted the excessive contributions to Nathan Rosenberg for Congress and requested that the Committee obtain a refund of the excessive amount and/or notify the recipient of a redesignation of the contribution. The RFAI explained that the Act precludes political committees from making contributions to federal candidates in excess of $1,000 per election until they obtain multicandidate status. The RFAI also requested that the Committee refund or transfer-out, with the donor's consent, the amount in excess of $5,000 from Mr. Reinsch or amend its report if the contribution was incorrectly or incompletely reported. The RFAI informed the Committee that the Commission may take further legal action concerning the disbursement and receipt of excessive contributions.

The second RFAI, which referenced the 1988 July Quarterly Report, noted the apparent excessive contributions to Harriett Wieder for Congress and Tom Campbell for Congress and requested that the Committee obtain refunds of the excessive amounts and/or notify the recipients of redesignations of the contributions. Again, the Committee was informed that the Commission may take further legal action concerning the excessive contributions.

On September 8, 1988, Mr. Michael R. Tripp, the Committee's treasurer, contacted the RAD analyst. Mr. Tripp had received a phone call from Tom Campbell for

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2/ Ibid.

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Congress, who explained that as a result of an RFAI sent to the candidate committee, they would be refunding $3,999 of the contribution made by the Committee. Mr. Tripp had thought since the Committee had registered with the Federal Election Commission that they were able to contribute $5,000 to candidate committees. The analyst explained that the Committee had a $1,000 contribution limit until they reached multicandidate status; specifically, until they have been registered for at least six (6) months, have received contributions from more than fifty (50) persons, and have made contributions to at least five (5) federal candidates.

Mr. Tripp had not yet received the two RFAIs sent to the Committee, so the RAD analyst relayed the contents of those letters and explained that they would need to receive refunds of the apparent excessive contributions to Nathan Rosenberg for Congress and Harriett Wieder for Congress in addition to the refund from Tom Campbell for Congress. Mr. Tripp was also informed that the excessive contributions the Committee received from Mr. Reinsch would have to be refunded or transferred-out to an account not used for federal elections. Mr. Tripp said he would provide photocopies of all transactions (Attachment 7).

No written response was received, therefore a Second Notice was sent to the Committee on September 29, 1988 for both the 12 Day Pre-Primary and July Quarterly Reports (Attachment 8).

The Committee submitted a response dated October 5, 1988 (Attachment 9). Regarding the $6,300 excessive contribution received from Mr. Reinsch, the Committee stated that although it had not been properly disclosed on the 1988 12 Day Pre-Primary Report, the Committee had transferred $5,000 of the contribution to its non-federal account during the reporting period in which the contribution was made (May 10, 1988). The response further indicated that the Committee had transferred an additional $1,300 to its non-federal account on September 30, 1988. The Committee included a photocopy of the $1,300 check. Schedule B of the Committee's October Quarterly Report also disclosed this transaction (Attachment 10).

Regarding the excessive contribution to Nathan Rosenberg for Congress, the response indicated that the Committee requested a refund of the excessive amount, but had not received it, as Mr. Rosenberg is in debt and unable to repay the money.

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Regarding the apparent excessive contribution of $505 to Harriett Wieder for Congress, the Committee explained it had incorrectly designated the contributions, and that $1,000 was to go toward the primary election and $505 toward the general election. The Committee filed an amended Schedule B to properly disclose the contributions.

The Committee's response further explained that Tom Campbell for Congress had refunded $3,999 of the original $4,999 contribution. The Committee deposited the check into its account on September 14, 1988. Schedule A of the October Quarterly Report disclosed the receipt of the refund (Attachment 10).

The Committee's 1988 October Quarterly Report disclosed the receipt of $300 from an unregistered organization on September 29, 1988 (Attachment 10).

On November 2, 1988, the RAD analyst contacted Mr. Tripp and asked if there had been any further developments regarding the refund requested from Nathan Rosenberg for Congress. Mr. Tripp said that they had not yet received the refund and intended to contact the candidate committee regarding the refund (Attachment 11).

An Informational Notice was sent to the Committee on November 18, 1988. The Notice requested that the Committee either clarify the $300 receipt from the unregistered organization to show that it came from an account set up by the organization for permissible funds or show that it had been drawn from sufficient funds subject to the limitations and prohibitions, refund the funds to the donor, or transfer the money with the donor's consent to an account not used to influence federal elections (Attachment 12).

In a response received December 27, 1988, the Committee responded that the $300 from the unregistered organization had been inadvertently deposited into the Committee's federal account, and that they had transferred the amount to their non-federal account (Attachment 13). The 1988 Year End Report disclosed the transfer-out on Schedule B on December 20, 1988 (Attachment 14). In that same report, the Committee disclosed the receipt of a $3,005 (plus $3.15 interest) refund from Nathan Rosenberg for Congress (Attachment 14).

As of this date, the Committee has not yet received any additional refunds from Nathan Rosenberg for Congress.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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ATTACHMENT 1

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

DATE 22JUN89

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES				ID #C00206128 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION:						
1988	STATEMENT OF ORGANIZATION - AMENDMENT			17JUL88	2	88FEC/536/0473
	PRE-PRIMARY	13,464	9,066	1APR88 -18MAY88	7	88FEC/536/0475
	PRE-PRIMARY - AMENDMENT	13,464	9,066	1APR88 -18MAY88	7	88FEC/551/3428
	REQUEST FOR ADDITIONAL INFORMATION			1APR88 -18MAY88	5	88FEC/545/1987
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR88 -18MAY88	9	88FEC/549/1999
	JULY QUARTERLY	4,128	6,594	19MAY88 -30JUN88	5	88FEC/536/0482
	JULY QUARTERLY - AMENDMENT	4,128	6,594	19MAY88 -30JUN88	5	88FEC/551/3434
	JULY QUARTERLY - AMENDMENT	-	-	19MAY88 -30JUN88	4	88FEC/551/3424
	JULY QUARTERLY - AMENDMENT	-	-	22MAY88 -30JUN88	5	88FEC/575/3936
	JULY QUARTERLY - AMENDMENT	-	-	22MAY88 -30JUN88	3	89FEC/592/5000
	REQUEST FOR ADDITIONAL INFORMATION			19MAY88 -30JUN88	3	88FEC/545/1983
	REQUEST FOR ADDITIONAL INFORMATION 2ND			19MAY88 -30JUN88	9	88FEC/549/1990
	REQUEST FOR ADDITIONAL INFORMATION			19MAY88 -30JUN88	1	88FEC/565/2156
	REQUEST FOR ADDITIONAL INFORMATION 2ND			19MAY88 -30JUN88	2	88FEC/569/4592
	OCTOBER QUARTERLY	14,198	10,988	1JUL88 -30SEP88	12	88FEC/550/1983
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	5	88FEC/575/3940
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	2	89FEC/592/5003
	1'ST LETTER INFORMATIONAL NOTICE			1JUL88 -30SEP88	3	88FEC/565/2740
	POST-GENERAL	5,926	10,633	1OCT88 -30NOV88	12	89FEC/585/3424
	POST-GENERAL - AMENDMENT	-	-	1OCT88 -30NOV88	2	89FEC/592/5005
	NOTICE OF FAILURE TO FILE			28NOV88	1	89FEC/576/2095
	REQUEST FOR ADDITIONAL INFORMATION			1OCT88 -30NOV88	1	89FEC/588/0990
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT88 -30NOV88	2	89FEC/590/0935
	YEAR-END	3,423	3,728	1DEC88 -31DEC88	13	89FEC/585/3436
	YEAR-END - AMENDMENT	-	-	1DEC88 -31DEC88	2	89FEC/592/5007
	REQUEST FOR ADDITIONAL INFORMATION			1DEC88 -31DEC88	1	89FEC/588/0989
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1DEC88 -31DEC88	2	89FEC/590/0933
1989	MISCELLANEOUS NOTICE FROM FEC			8MAR89	1	89FEC/586/5358
	TOTAL	41,139 0	40,839 0		126	TOTAL PAGES

All reports have been reviewed.
Ending cash-on-hand as of December 31, 1988 is $300.
There are no debts owed to or by the Committee as of December 31,1988.

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1988 12 Day Pre-Primary Report

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 21

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)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

ATTACHMENT #2

A. Full Name, Mailing Address and ZIP Code NATHAN ROSENBERG FOR CONGRESS 10# C 00204526	Purpose of Disbursement CAMPAIGN CONTRIBUTION Disbursement for: [X] Primary [ ] General [ ] Other (specify)	Date (month, day, year) 04-24-88	Amount of Each Disbursement This Period 1505.00
B. Full Name, Mailing Address and ZIP Code TED LONG BOOKS P O BOX 1989 WILMINGTON, CA 90748	Purpose of Disbursement CAMPAIGN LITERATURE FOR N. ROSENBERG FOR CONGRESS (IN KIND CONTRIBUTION) Disbursement for: [ ] Primary [ ] General [ ] Other (specify)	Date (month, day, year) 04-21-88	Amount of Each Disbursement This Period 2500.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	4005.00
TOTAL This Period (last page this line number only)	4005.00

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19[illegible] Primary Pre-Primary Report

SCHEDULE A **ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FPPC LINE NUMBER 11(A)(1)

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)

ATTACHMENT #3

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. RONALD SMITH 2047 PINE STREET SAN FRANCISCO, CA 94115 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	SELF CAMPAIGN CONSULTANT Aggregate Year-to-Date > $ 600.00	04-15-88	600.00
B. RICHARD M REINSCH PO BOX 485 SOUTH LAGUNA, CA 92677 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	SOUTHERN WESTERN POWER ENGINEER Aggregate Year-to-Date > $ 11300.00	04-20-88 05-04-88 05-09-88	2500.00 1000.00 7800.00
C. M RICHARD SOUSA PO BOX 5148 BEVERLY HILLS, CA 90210 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	SELF INVESTOR Aggregate Year-to-Date > $ 300.00	04-05-88	300.00
D. KEITH F MARSH 639 MARIE AVENUE LOS ANGELES, CA 90042 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	SELF ATTORNEY Aggregate Year-to-Date > $ 300.00	04-04-88	300.00
E. FRANK D PECK 4055 WILSHIRE BLVD, STE 330 LOS ANGELES, CA 90010 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	SELF ATTORNEY Aggregate Year-to-Date > $ 500.00	04-24-88	500.00
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer / Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Name of Employer / Occupation Aggregate Year-to-Date > $	Date (month, day, year)	Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (optional) 13000.00

TOTAL This Period (last page this line number only) 13000.00

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1988 July Quarterly Report

SCHEDULE B — ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 21

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)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

ATTACHMENT #4 -

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: Primary, General, Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
A. HARRIETT WILDER FOR CONGRESS 330 CASUN TERRACE LONG BEACH CA 90651 ID# 33-0272048	CONTRIBUTION TO CONGRESSIONAL CANDIDATE 42ND DISTRICT	06-01-88 06-08-88	1000.00 505.00
B. TOM CAMPBELL FOR CONGRESS ID# 129714 P.O. BOX 1389 MOUNTAIN VIEW, CA 94042-1389	CONTRIBUTION TO CONGRESSIONAL CANDIDATE - 17TH DISTRICT	06-07-88	4999.00
C.			
D.			
E.			
F.			
G.			
H.			
I.			

SUBTOTAL of Disbursements This Page (optional) 6504.00

TOTAL This Period (last page this line number only) 6504.00

ATTACHMENT #5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

SEP 7 1988

Michael R. Tripp, Treasurer
Californians for Individual Rights
& Civil Liberties
7080 Hollywood Boulevard, Suite 502
Hollywood, CA 90028

Identification Number: C00206128

Reference: 12 Day Pre-Primary Report (4/1/88-5/18/88)

Dear Mr. Tripp:

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) which appears to exceed the limits set forth in the Act. The Act precludes a committee from receiving contributions from another political committee or person in excess of $5,000 per calendar year. (2 U.S.C. §441a(f)) and 11 CFR 110.1(d))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeds the limits, you should either refund to the donor the amount in excess of $5,000 or, if appropriate, seek reattribution of the contribution pursuant to 11 CFR 110.1(k). Alternatively, if you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. 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. (11 CFR 103.3(b) and 110.1(k))

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In the best interests of the committee, all refunds, reattributions and transfers-out should be made within sixty days of the treasurer's receipt of

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the contribution. See 11 CFR 103.3(b). 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. Reattributions are reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received.

Although the Commission may take further legal steps regarding the acceptance of an excessive contribution(s), prompt action by you to refund, seek reattribution and/or transfer-out the excessive amount will be taken into consideration.

-Schedule B of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a political committee, other than a multicandidate committee, from making a contribution to a candidate for federal office in excess of $1,000 per election. (2 U.S.C. §441a(a))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If you have made an excessive contribution, you should either notify the recipient and request a refund of the amount in excess of $1,000 and/or notify the recipient, in writing, of your redesignation of the contribution. All refunds and redesignations must be made within sixty days of the treasurer's receipt of the contribution. Refunds are reported on Line 16 of the Detailed Summary Page and on Schedule A of the report covering the period during which they are received. Redesignations are reported as memo entries on Schedule B of the report covering the period during which the redesignation is made. (11 CFR 110.1(b))

Although the Commission may take further legal steps concerning the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

-Your report discloses limited payments for administrative expenses. Administrative expenses are payments made for the purpose of operating a political committee including, but not limited to, rent, utilities, salaries, telephone service, office equipment and supplies. Any such payments to a person aggregating in excess of $200 in a calendar year must be disclosed on Schedule B, supporting Line 19 of the Detailed Summary Page. (2 U.S.C. §434(b)(5)) In addition, if expenses have been incurred but not paid

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in a reporting period, the activity should be disclosed as a debt on Schedule D, if the obligation is $500 or more, or outstanding for sixty (60) days or more. 11 CFR 104.11.

If these expenses are being paid by a connected organization, your Statement of Organization must be amended to reflect this relationship. 2 U.S.C. §433(b)(2).

Any goods or services provided to your committee by a person, except volunteer activity (i.e., a person's time), would be considered an in-kind contribution from that person, and would be subject to the disclosure requirements of 2 U.S.C. §434(b)(3) and 11 CFR 104.13, and the limitations and prohibitions of 2 U.S.C. §§441a and 441b.

Please provide clarification regarding administrative expenses incurred by your committee and/or amend your report to disclose such expenses according to the referenced provisions of the Act and Commission regulations. Clarification regarding administrative expenses should be disclosed <u>during each two year election cycle</u> beginning with the first report filed in the non-election year.

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,

Kate Henry

Kate Henry
Reports Analyst
Reports Analysis Division

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ATTACHMENT #6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael R. Tripp, Treasurer
Californians for Individual Rights
& Civil Liberties
7080 Hollywood Boulevard, Suite 502
Hollywood, CA 90028

Identification Number: C00206128

Reference: July Quarterly Report (5/19/88-6/30/88)

Dear Mr. Tripp:

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 B of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. The Act precludes a political committee, other than a multicandidate committee, from making a contribution to a candidate for federal office in excess of $1,000 per election. (2 U.S.C. §441a(a))

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If you have made an excessive contribution, you should either notify the recipient and request a refund of the amount in excess of $1,000 and/or notify the recipient, in writing, of your redesignation of the contribution. All refunds and redesignations must be made within sixty days of the treasurer's receipt of the contribution. Refunds are reported on Line 16 of the Detailed Summary Page and on Schedule A of the report covering the period during which they are received. Redesignations are reported as memo entries on Schedule B of the report covering the period during which the redesignation is made. (11 CFR 110.1(b))

Although the Commission may take further legal steps concerning the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

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8 8 0 3 5 4 5 1 9 7 3

Your report discloses no payments for administrative expenses. Administrative expenses are payments made for the purpose of operating a political committee including, but not limited to, rent, utilities, salaries, telephone service, office equipment and supplies. Any such payments to a person aggregating in excess of $200 in a calendar year must be disclosed on Schedule B, supporting Line 19 of the Detailed Summary Page. (2 U.S.C. §434(b)(5)) In addition, if expenses have been incurred but not paid in a reporting period, the activity should be disclosed as a debt on Schedule B, if the obligation is $500 or more, or outstanding for sixty (60) days or more. 11 CFR 104.11.

If these expenses are being paid by a connected organization, your Statement of Organization must be amended to reflect this relationship. 2 U.S.C. §433(b)(2).

Any goods or services provided to your committee by a person, except volunteer activity (i.e., a person's time), would be considered an in-kind contribution from that person, and would be subject to the disclosure requirements of 2 U.S.C. §434(b)(3) and 11 CFR 104.13, and the limitations and prohibitions of 2 U.S.C. §§441a and 441b.

Please provide clarification regarding administrative expenses incurred by your committee and/or amend your report to disclose such expenses according to the referenced provisions of the Act and Commission regulations. Clarification regarding administrative expenses should be disclosed <u>during each two year election cycle</u> beginning with the first report filed in the non-election year.

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,

Kate Henry

Kate Henry
Reports Analyst
Reports Analysis Division

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8 8 0 3 5 4 5 1 9 0 4

TELECON

ATTACHMENT #7

ANALYST: Kate Henry

CONVERSATION WITH: Michael Tripp

COMMITTEE: Californians for Individual Rights & Civil Liberties

DATE: September 8, 1988

SUBJECT(S): Receipt of a phone call from Tom Campbell for Congress

The Committee had received a phone call from Tom Campbell for Congress, who informed them that they had been notified by the Federal Election Commission that the contribution they had received from the Committee had been excessive, and, consequently, they would be returning a portion of it.

Mr. Tripp had thought that as a committee registered with the FEC, they were subject to a $5,000 contribution limit to candidate committees, rather than the allowable $1,000. Mr. Tripp asked me to explain the discrepancy, so I reviewed the policy on qualified vs. non-qualified status for committees. Specifically, I explained that to be considered a qualified committee subject to the $5,000 limit they needed to be registered for atleast six months, have received contributions from over fifty contributors, and have contributed to five federal candidates.

The Committee had not yet received the 1988 Q2 or 1988 12P RFAIs, so I relayed the content of those letters to Mr. Tripp and explained what they would need to do to comply with election law. Specifically, that they would have to receive refunds of excessive contributions made and refund excessive contributions received.

Mr. Tripp said that he would provide photocopies of all transactions.

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ATTACHMENT #8

FEDERAL ELECTION COMMISSION RQ-3
WASHINGTON, D.C. 20463

September 29, 1988

Michael R. Tripp, Treasurer
Californians for Individual Rights
& Civil Liberties
7080 Hollywood Boulevard, Suite 502
Hollywood, CA 90028

Identification Number: C00286128

Reference: 12 Day Pre-Primary (4/1/88-5/18/88) and July Quarterly (5/19/88-6/30/88) Reports

Dear Mr. Tripp:

This letter is to inform you that as of September 28, 1988, the Commission has not received your response to our requests for additional information, dated September 7, 1988. Those notices requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). Copies of our original requests are enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Kate Henry on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

John D. Gibson

John D. Gibson
Assistant Staff Director
Reports Analysis Division

Enclosures

9104087173
88735491990

ATTACHMENT #9

RECEIVED
FEDERAL ELECTION COMMISSION

88 OCT 13 AM 9:49

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL ROBERTINS
7080 HOLLYWOOD BOULEVARD, SUITE 502
HOLLYWOOD, CALIFORNIA 90028
213/463-7477
Federal ID C00206128 California ID 031566

5 October 1988

Federal Election Commission
Washington, DC 20463

Attention: Kate Henry

Dear Kate:

Enclosed is a copy of a letter I received from John D. Gibson regarding our initial reports for the periods April 1, 1988 through May 18, 1988 and May 19, 1988 through June 30, 1988.

Regarding the first report:

Schedule A of the report showed excess contributions received from a Richard Reinsch of $6,300.00.

Please note that of the excess, we had transferred $5,000.00 to our State Fund, which does not influence Federal elections. This transfer was reported on Schedule B for Line 20, when it apparently should have been shown on Schedule B for Line 26.

As I told you on the phone yesterday, we have received verbal confirmation from Mr. Reinsch that the balance of $1,300.00 may also be transferred to our state fund, thereby making his contribution to our Federal Fund the maximum amount of $5,000.00. I have sent a written confirmation to Mr. Reinsch for his signature, and will keep that in our files. I have enclosed a photocopy of the check written on September 30 to our state fund for $1,300.00.

Schedule B of the report showed an excess contribution made to the campaign of Nathan Rosenberg for Congress. We have requested a refund of this contribution from Mr. Rosenberg, but at the end of the campaign he was quite a bit in debt and is having trouble raising the funds at this time to reimburse us. I believe that I mentioned this to you in our conversation.

As we have qualified as a multi-candidate committee as of September 29, we could now make the balance of the contribution and not be in excess. However, as per regulations, we still must receive the refund from him prior to doing this.

Please let me know how we can best handle this situation in order to comply with the regulations.

You mentioned that the report showed limited payments for administrative expenses. Until July 1, we have not maintained any office space. Files are kept in my office along with those of other clients, and so does not constitute a contribution. My

9104087137 4
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accounting services had not reached the $200.00 limit as most of the work was begun in July. Telephone costs did not run more than $20.00 in any one month, and did not total even close to the $200.00 limit from any one person.

These costs have increased as of July 1, and are being reported on our October 15 quarterly report.

Regarding the July 15 Quarterly Report:

Schedule B of the report showed an excess contribution to Harriett Weider for Congress of $505.00. This contribution had been incorrectly designated. $ 1,000.00 was a contribution to her primary campaign, and the balance of $505.00 was to be used for her general election campaign. I have amended the report to reflect this.

Schedule B of the report also showed an excess contribution to Tom Campbell for Congress of $3,999.00. We requested and have received a refund of this excess contribution from Mr. Campbell's campaign, and deposited the check to our account on September 14. This has been reported on our October 15 Quarterly Report.

Once again you mention that there were no payments shown for administrative costs. I refer you to the paragraph above regarding this.

I have enclosed the amended reports for both periods reflecting the changes as shown above, with the exception of the excess amount due from Nathan Rosenberg. I would greatly appreciate your letting me know at your earliest convenience how I should handle this.

Thank you so much for all your help and patience. I believe that I am more thoroughly versed in the campaign laws since talking with you.

Sincerely,

Michael R. Tripp
Treasurer
MRT:ati
Encls.
cc: F. Ricchiazzi

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SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 21

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)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
A. MARIAN WILDER FOR CONGRESS 330 CAJUN TERRACE LONG BEACH, CA 90651 ID # 93-0220048	CONTRIB TO CONGRESSIONAL CAMPAIGN - PRIMARY Disbursement for: [X] Primary [ ] General [ ] Other (specify)	6-1-88	1000.00
B. MARIAN WILDER FOR CONGRESS 330 CAJUN TERRACE LONG BEACH CA 90651 ID # 93-0220048	CONTRIB TO CONGRESSIONAL CAMPAIGN Disbursement for: [ ] Primary [X] General [ ] Other (specify)	6-2-88	505.00
C. TOM CAMPBELL FOR CONGRESS PO BOX 1389 MOUNTAIN VIEW, CA 94042-1389 ID # 123714	CONTRIB TO CONGRESSIONAL CAMPAIGN (NOTE: DATE DID NOT REFLECT TO CHECK ON 6-10-88) Disbursement for [X] Primary [ ] General [ ] Other (specify)	6-2-88	4999.80
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for [ ] Primary [ ] General [ ] 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 [ ] Primary [ ] General [ ] 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 [ ] Primary [ ] General [ ] 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 [ ] Primary [ ] General [ ] 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 [ ] Primary [ ] General [ ] 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 [ ] Primary [ ] General [ ] Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			6504.00
TOTAL This Period (last page this line number only)			6504.00

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Schedule B — Itemized Disbursements

Page 4 of ATTACHMENT #B

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement (For all classes contributed from General Account to other Committees) Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
A. CALCA-PAC 7080 HUNTINGTON DR, STE. 102 HUNTINGTON, CA 90255		05-10-96	5000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			5000.00
TOTAL This Period (last page this line number only)			5000.00

0007651743

CIRCL
FEDERAL ACCOUNT
P. O. BOX [illegible]
LOS ANGELES, CA [illegible]

1013

[illegible]

PAY TO CIRCL PAC (STATE FUND) 11300.00

THIRTEEN HUNDRED AND NO/100 DOLLARS

TRUST SAVINGS BANK
[illegible]
[illegible]

NOTE: [illegible] CONTRIB (S. [illegible]) TO STATE FUND

⑈001013⑈ ⑆322271755⑆ 01[illegible]⑈

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SCHEDULE B — Itemized Disbursements

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE ___ OF ___

FOR LINE NUMBER: 26(a)

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)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

ATTACHMENT #10

A. Full Name, Mailing Address and ZIP Code CACL-PAC (STATE FUND) 7080 HOLLYWOOD BLVD, STE 302 HOLLYWOOD, CA 90028	Purpose of Disbursement TRANSFER BALANCE OF ENCLOSED CERTIFICATE TO CACL-PAC (STATE FUND) PLUS ENCLOSED CHECK TO MEM-CALIFORNIA BALANCE Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 09-30-80	Amount of Each Disbursement This Period 1300.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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 ☐ Primary ☐ General ☐ 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 ☐ Primary ☐ General ☐ 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 ☐ Primary ☐ General ☐ 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 ☐ Primary ☐ General ☐ 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 ☐ Primary ☐ General ☐ 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 ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (options)	1300.00
TOTAL This Period (last page this line number only)	1300.00

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SCHEDULE A

[redacted]

Page Line Number: 16

[redacted]

2 of ATTACHMENT #10

CHAIRPERSONS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

A. Full Name, Mailing Address and ZIP Code TOM CARROLL FOR CONGRESS 10 W 13TH ST P O BOX 1389 [illegible], PA [illegible]	Name of Employer (REFUND BY CHECK CONTRIBUTION MAX)	Date (month, day, year) 9-14-86	Amount of Each Receipt this Period 399900
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date > $		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date > $		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ Other (specify)	Occupation		
	Aggregate Year-to-Date > $		
SUBTOTAL of Receipts This Page (optional)			399900
TOTAL This Period (last page this line number only)			399900

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SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 11(b)

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)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

3 of ATTACHMENT #10

	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
A. Full Name, Mailing Address and ZIP Code SAN DIEGO COUNTY LOG CABIN CLUB-CALPAC P O BOX 3242 SAN DIEGO, CA 92103 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	N/A Occupation: N/A Aggregate Year-to-Date > $	09-29-88	300.00
B. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date > $		
C. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date > $		
D. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date > $		
E. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date > $		
F. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date > $		
G. Full Name, Mailing Address and ZIP Code Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date > $		

SUBTOTAL of Receipts This Page (optional) 300.00

TOTAL This Period (last page this line number only) 300.00

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TELECON

ATTACHMENT #11

ANALYST: Kate Henry

CONVERSATION WITH: Michael Tripp

COMMITTEE: Californians for Individual Rights & Civil Liberties

DATE: November 2, 1988

SUBJECT(S): OGC Referral

I informed Mr. Tripp that I was reviewing the situation regarding the Committee's excessive contributions and found that the contribution that they had made to Nathan Rosenberg for Congress had not yet been refunded.

Mr. Tripp said they hadn't yet received the refunds, but that he would contact the Rosenberg campaign and get back to me by the end of the week.

I suggested that the Committee start recording the amount as a dept owed to the Committee on all reports until it is settled. Mr. Tripp said he would comply.

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ATTACHMENT #12

[illegible]

[illegible] R. Tripp, Treasurer
Californians for Individual
Rights & Civil Liberties
7000 Hollywood Blvd., Suite 302
Hollywood, CA 90028

Identification Number: C00206128

Reference: October Quaterly Report (7/1/88-9/30/88)

Dear Mr. Tripp:

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 choose to transfer the funds to an account not used to

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influence Federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. 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.

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.

Any amendment or clarification should be filed with the Federal Election Commission. 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,

Kate Henry

Kate Henry
Reports Analyst
Reports Analysis Division

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ATTACHMENT #13

[redacted]

[redacted]

DEC 27 AM 9:52

18 December 1988

Nate Henry
Federal Elections Commission
Washington, DC 20463

Re: Californians for Individual Rights & Civil Liberties
ID # C00206128
Reference: October Quarterly Report (7/1/88 - 9/30/88)

Dear Ms. Henry:

Enclosed is a copy of your letter of November 18, 1988 requesting clarification of the $300.00 contribution received from the San Diego County Log Cabin Club CALPAC.

Please be advised that this check was inadvertently deposited to our federal account during the reporting period in question. We have transferred that money into our California State account, where it should have been deposited originally, and so it no longer affects the federal funds.

This transfer will be reflected in our next report to you, unless you feel that we should amend the original report for the above period. Please let me know your feelings on this.

Also, in regards to the excess contribution that was made to the Nate Rosenberg campaign, please be advised that we should shortly be receiving the funds back from Mr. Rosenberg. We would like to then turn around and re-contribute these funds to his campaign since we now qualify as a multi-candidate committee and since his campaign still remains in a deficit situation. Plase let me know if this is acceptable.

Once again, I would like to thank you for all of your help. I hope that my mistakes will grow fewer as I become more accustomed to the campaign laws and regulations so that this type of correspondence will no longer be necessary.

Sincerely,

Micheal R. Tripp
Treasurer - CIRCL-PAC

(213) 463-7477
7080 HOLLYWOOD BLVD
SUITE 502
HOLLYWOOD CA 90028
[redacted]

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ATTACHMENT #14
1988 Year End Report
PAGE 2 OF 2
FOR LINE 26(b)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES [illegible]
Itemized Disbursements
December 1, 1988 to December 31, 1988

To	Purpose	Date	Amount
CIRCL-PAC State Fund 7000 Hollywood Boulevard, Ste 502 Hollywood, CA 90028	To place contribution for state campaigns (received from CALPAC) into proper fund account	12/20/88	$300.00
Total Disbursements			$300.00

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2 of ATTACHMENT #14
1988 Year End Report
PAGE 2 OF 2
FOR LINE 16

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES C00200128
Itemized Receipts
December 1, 1988 to December 31, 1988

Name, Address & Zip	Employer/Occupation	Date	Amount Received	Cumulative Total
Nathan Rosenberg for Congress 3907 Park Grange Corona del Mar, CA 92625 Refund of overpaid contribution	ID # C 00200326	12/22/88	$3,005.00	$3,005.00
Total Received			$3,005.00	
Interest income			$3.15	
Total Receipts			$3,008.15	

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

89 DEC 18 PM 12:22

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 89L-24
DATE REFERRAL
RECEIVED BY OGC: 6/23/89
STAFF PERSON: Craig Douglas Reffner

SOURCE: Internally Generated

RESPONDENTS: Californians for Individual Rights and Civil Liberties and Michael R. Tripp, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(a)(1)(C)
2 U.S.C. § 441a(a)(4)
2 U.S.C. § 441a(f)
2 U.S.C. § 441b(a)
11 C.F.R. § 102.5(a)

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On June 23, 1989, the Reports Analysis Division ("RAD") referred Californians for Individual Rights and Civil Liberties (the "Committee") and Michael R. Tripp, as treasurer, to the Office of General Counsel for apparent violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). The bases for the referral included apparent excessive contributions made by the Committee in violation of 2 U.S.C. § 441a(a)(1)(A), excessive contributions accepted by the Committee in violation of 2 U.S.C. § 441a(f), and the receipt of a contribution from an unregistered organization.

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II. FACTUAL AND LEGAL ANALYSIS

A. Statement of the Law

Pursuant to 2 U.S.C. § 441a(a)(1)(A), it is unlawful for any person to make contributions to any candidate and his authorized committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. The term person includes a political committee. 2 U.S.C. § 431(11). Additionally, it is unlawful for any person to make contributions to any other political committees, which are not maintained by a national party, in any calendar year which, in the aggregate, exceed $5,000. 2 U.S.C. § 441a(a)(1)(C). A multicandidate political committee may, however, make contributions of a maximum aggregate of $5,000 to a candidate and his authorized political committees, with respect to any election for Federal office. 2 U.S.C. § 441a(a)(2)(A). A political committee does not qualify as a multicandidate committee until it has been registered with the Commission for six months, has received contributions from more than fifty persons and has contributed to five or more candidates for federal office. 2 U.S.C. § 441a(a)(4). Finally, the definition of contribution includes all in-kind contributions. 2 U.S.C. § 431(8)(A); 11 C.F.R. § 100.7(a)(1)(iii)(A).

The Act and regulations prescribe various requirements which candidates and committees must follow in accepting and depositing contributions. First, it is unlawful for any candidate or political committee to knowingly accept contributions in excess of the limitations set forth in the Act. 2 U.S.C. § 441a(f).

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Second, a committee treasurer must refund, within sixty days, contributions which, on their face, exceed the contribution limitations of the Act, if a redesignation or reattribution of the contribution is not obtained. 11 C.F.R. § 103.3(b)(3). Third, if a candidate is not a candidate in the general election, any contributions received for the general election must be refunded, redesignated or reattributed, as appropriate. 11 C.F.R. § 102.9(e)(2). Finally, only contributions which are subject to the prohibitions and limitations of the Act may be deposited into the committee's federal account. 2 U.S.C. § 441b; 11 C.F.R. § 102.5(a)(1)(i).

B. Statement of the Facts

The Committee filed a Statement of Organization with the Commission on May 2, 1986, and appears to have qualified as a multicandidate political committee as of September 30, 1988, when the Committee contributed to its fifth federal candidate, thereby fulfilling the final requirement of 2 U.S.C. § 441a(a)(4). Thus, if the Committee made contributions of more than $1,000, in the aggregate, to a federal candidate prior to September 30, 1988, the Committee would have exceeded the statutory contribution limit set forth at 2 U.S.C. § 441a(a).

During the first half of 1988, the Committee contributed more than $1,000 to three candidates for federal office. On April 21, 1988, and again on April 24, 1988, the Committee made contributions to Nathan Rosenberg for Congress (the "Rosenberg Committee"), in the respective amounts of $2,500 and $1,505, with

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the former contribution being an in-kind contribution. When notified of the potential violation by RAD, the Committee requested a refund from the Rosenberg Committee, but as Rosenberg's campaign was having financial difficulty, the excess was not immediately refunded. On December 22, 1988, the Rosenberg Committee refunded $3,005 plus interest to the Committee, for a total of $3,008.15.

On June 2, 1988, the Committee, made a contribution to Tom Campbell for Congress (the "Campbell Committee") in the amount of $4,999. When notified of the potential violation by RAD, the Committee stated that on September 14, 1988, the Campbell Committee refunded $3,999 of the contribution. Finally, on June 1, 1988, and again June 2, 1988, the Committee made contributions to Friends of Harriett Wieder (the "Wieder Committee"), in the amount of $1,000 and $505, respectively. When notified of the excess by RAD, the Committee responded that the contribution should have been designated as $1,000 for the June 7, 1988 primary election and $505 for the general election. Wieder, however, was an unsuccessful candidate in the primary election and, after losing the primary, the Wieder Committee did not refund the $505 contribution to the Committee. Accordingly, with respect to the Committee's contributions to the Rosenberg, Campbell and Weider Committees this Office recommends that the Commission find reason to believe that the Committee and Michael R. Tripp, as treasurer,

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violated 2 U.S.C. § 441a(a)(1)(A).

On April 20, 1988, May 4, 1988, and again on May 9, 1988, the Committee received contributions from Richard Reinsch in the amounts of $2,500, $1,000 and $7,800, respectively, for a total of $11,300. When questioned by RAD about receiving an apparent excessive contribution, the Committee's treasurer stated, in a letter dated October 5, 1988, that the Committee transferred $5,000 to its state account on May 10, 1988, but reported it on the wrong line of the 1988 12 Day Pre-Primary Report. The treasurer further stated that the Committee transferred the remaining excess of $1,300 to the state account on September 30, 1988. The Committee's treasurer explained that the Committee had obtained verbal authorization from Mr. Reinsch to transfer those funds to the state account and that it was in the process of getting the authorization in writing. While the initial May 10, 1988 transfer of $5,000 fell within the 60 day period established in Section 103.3(b)(3), the remaining excessive portion was not timely transferred. Additionally, since there is no indication that the apparent excessive contribution made by Mr. Reinsch was initially intended for the Committee's non-federal account, it does not appear that the Committee inadvertently deposited the

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funds into the federal account. Therefore, there is reason to believe that Richard Reinsch violated 2 U.S.C. § 441a(a)(1)(C) by making an excessive contribution, and that the Committee and Michael R. Tripp, as treasurer, violated 2 U.S.C. § 441a(f) by accepting the excessive contribution.

On September 29, 1988, the Committee received a $300 contribution from the San Diego County Log Cabin Club, an unregistered state political action committee. The Committee deposited the contribution into its federal account. In response to an inquiry by RAD, the Committee acknowledged that the San Diego Log Cabin Club had intended the contribution to be directed to the Committee's non-federal account, but the Committee had inadvertently deposited it into the federal account. In order to correct this error, the Committee transfered $300 to its non-federal account on December 20, 1988. Accordingly, since the unregistered state committee did not intend for its contribution to be deposited into the Committee's federal account, this Office recommends that the Commission find no reason to believe that the San Diego Log Cabin Club violated 11 C.F.R. § 102.5(b). Because corporate and union contributions are permissible under California law, the account of the unregistered state committee may have contained impermissible funds. Therefore, this Office recommends that the Commission find reason to believe that the Committee and Michael R. Tripp, as treasurer, violated 2 U.S.C. § 441b(a) and

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11 C.F.R. § 102.5(a).

III. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that Californians for Individual Rights and Civil Liberties and Michael R. Tripp, as treasurer, violated 2 U.S.C. § 441a(f), 2 U.S.C. § 441a(a)(1)(A), 2 U.S.C. § 441b(a), and 11 C.F.R. § 102.5(a).

3. Find no reason to believe that San Diego County Log Cabin Club violated 11 C.F.R. § 102.5(b).

4. Find reason to believe that Richard Reinsch violated 2 U.S.C. § 441a(a)(1)(C).

5. Approve the attached letters and Factual and Legal Analysis.

Lawrence M. Noble
General Counsel

12-15-89
Date

BY: Lois G. Lerner
Associate General Counsel

Attachments
1. RAD Referral Materials
2. Proposed Letters
3. Factual and Legal Analyses

Staff Person: Craig Douglas Reffner

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BEFORE THE FEDERAL ELECTION COMMISSION

(MUR 3022)

In the Matter of	)	
	)	RAD Referral 89L-24
Californians for Individual Rights and Civil Liberties and Michael R. Tripp, as treasurer	)	

CORRECTED CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on January 11, 1990, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to RAD Referral 89L-24:

1. Open a Matter Under Review (MUR).

2. Find reason to believe that Californians for Individual Rights and Civil Liberties and Michael R. Tripp, as treasurer, violated 2 U.S.C. § 441a(f), 2 U.S.C. § 441a(a)(1)(A), 2 U.S.C. § 441b(a), and 11 C.F.R. § 102.5(a), but take no further action as to the violations of 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a).

(continued)

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3. Find no reason to believe that San Diego County Log Cabin Club violated 11 C.F.R. § 102.5(b).

4. Find reason to believe that Richard Reinsch violated 2 U.S.C. § 441a(a)(1)(C).

5. Direct the Office of General Counsel to send appropriate letters and Factual and Legal Analysis pursuant to the actions noted above.

Commissioners Aikens, Elliott, Josefiak, McGarry, and Thomas voted affirmatively for the decision; Commissioner McDonald was not present at the time this matter was under consideration.

Attest:

1-19-90
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 24, 1990

San Diego County Log Cabin Club
P. O. Box 3242
San Diego, California 92103

RE: MUR 3022

Dear Sir/Madam:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission considered the issue of whether the San Diego County Log Cabin Club violated 11 C.F.R. § 102.5(b), a provision of the Commission's Regulations enacted pursuant to the Federal Election Campaign Act of 1971, as amended, by contributing to a federal political committee. On January 11, 1990, the Commission found no reason to believe that the San Diego County Log Cabin Club violated 11 C.F.R. § 102.5(b). Accordingly, the Commission has closed the file in this matter as it pertains to you.

This matter will become part of the public record within 30 days after it has been closed with respect to all other respondents involved. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed. If you wish to submit any materials to appear on the public record in this matter, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 24, 1990

Richard M. Reinsch
P. O. Box 425
South Laguna, California 92677

RE: MUR 3022
Richard M. Reinsch

Dear Mr. Reinsch:

On January 11, 1990, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441a(a)(1)(C), 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 you. 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 made under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, 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 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, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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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 Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR:3022

RESPONDENT: Richard Reinsch

Pursuant to 2 U.S.C. § 441a(a)(1)(A), it is unlawful for any person to make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. Additionally, it is unlawful for any person to make contributions to any other political committees, which are not maintained by a national party, in any calendar year which, in the aggregate, exceed $5,000. 2 U.S.C. § 441a(a)(1)(C).

On April 20, 1988, May 4, 1988, and again on May 9, 1988, Californians for Individual Rights and Civil Liberties (the "Committee") received contributions from Richard Reinsch in the amounts of $2,500, $1,000, and $7,800, respectively, for a total of $11,300. When questioned by the Federal Election Commission about receiving an apparent excessive contribution, the Committee's treasurer stated, in a letter dated October 5, 1988, that the Committee transferred $5,000 to its state account on May 10, 1988, but reported it on the wrong line of the 1988 12 Day Pre-Primary Report. The treasurer further stated that the Committee transferred the remaining excess of $1,300 to the state account on September 30, 1988. The Committee's treasurer explained that the Committee had obtained verbal authorization from Mr. Reinsch to transfer those funds to the state account and

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that it was in the process of getting the authorization in writing. Since there is no indication that the apparent excessive contribution made by Richard Reinsch was initially intended for the Committee's non-federal account, it does not appear that the Committee inadvertently deposited the excess funds into the federal account. Therefore, there is reason to believe Richard Reinsch violated 2 U.S.C. § 441a(a)(1)(C).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 24, 1990

Michael R. Tripp, as treasurer
Californians for Individual Rights
and Civil Liberties
7080 Hollywood Boulevard, Suite 502
Hollywood, California 90028

RE: MUR 3022
Californians for Individual
Rights and Civil Liberties and
Michael R. Tripp, as treasurer

Dear Mr. Tripp:

On January 11, 1990, the Federal Election Commission (the "Commission") found that there is reason to believe Californians for Individual Rights and Civil Liberties (the "Committee") and you, as treasurer, violated 2 U.S.C. §§ 441a(f), 441a(a)(1)(A), and 441b(a) provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"), and 11 C.F.R. § 102.5(a), a provision of the Commission's Regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

With regard to the apparent violation of Section 441b(a) of the Act and Section 102.5(a) of the Commission's Regulations, after considering the circumstances of this matter, the Commission determined to take no further action. The Commission reminds you that depositing contributions, received from an unregistered committee, into a federal account, appears to be in violation of Section 441b(a) of the Act and Section 102.5(a) of the Commission's Regulations.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the Committee. 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 which demonstrates that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained 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 Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR 3022

RESPONDENTS: **Californians for Individual Rights and Civil Liberties and Michael R. Tripp, as treasurer**

I. Statement of the Law

Pursuant to 2 U.S.C. § 441a(a)(1)(A), it is unlawful for any person to make contributions to any candidate and his authorized committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. The term person includes a political committee. 2 U.S.C. § 431(11). Additionally, it is unlawful for any person to make contributions to any other political committees, which are not maintained by a national party, in any calendar year which, in the aggregate, exceed $5,000. 2 U.S.C. § 441a(a)(1)(C). A multicandidate political committee may, however, make contributions of a maximum aggregate of $5,000 to a candidate and his authorized political committees, with respect to any election for Federal office. 2 U.S.C. § 441a(a)(2). A political committee does not qualify as a multicandidate committee until it has been registered with the Commission for six months, has received contributions from more than fifty persons and has contributed to five or more candidates for federal office. 2 U.S.C. § 441a(a)(4). Finally, the definition of contribution includes all in-kind contributions. 2 U.S.C. § 431(8)(A); 11 C.F.R. § 100.7(a)(1)(iii)(A).

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The Act and regulations prescribe various requirements which candidates and committees must follow in accepting and depositing contributions. First, it is unlawful for any candidate or political committee to knowingly accept contributions in excess of the limitations set forth in the Act. 2 U.S.C. § 441a(f). Second, a committee treasurer must refund, within sixty days, contributions which, on their face, exceed the contribution limitations of the Act, if a redesignation or reattribution of the contribution is not obtained. 11 C.F.R. § 103.3(b)(3). Third, if a candidate is not a candidate in the general election, any contributions received for the general election must be refunded, redesignated or reattributed, as appropriate. 11 C.F.R. § 102.9(e)(2). Finally, only contributions which are subject to the prohibitions and limitations of the Act may be deposited into the committee's federal account. 2 U.S.C. § 441b; 11 C.F.R. § 102.5(a)(1)(i).

II. Statement of the Facts and Analysis

The Committee filed a Statement of Organization with the Commission on May 2, 1986, and appears to have qualified as a multicandidate political committee as of September 30, 1988, when the Committee contributed to its fifth federal candidate, thereby fulfilling the final requirement of 2 U.S.C. § 441a(a)(4). Thus, if the Committee made contributions of more than $1,000, in the aggregate, to a federal candidate prior to September 30, 1988, the Committee would have exceeded the statutory contribution limit set forth at 2 U.S.C. § 441a(a).

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During the first half of 1988, the Committee contributed more than $1,000 to three candidates for federal office. On April 21, 1988, and again on April 24, 1988, the Committee made contributions to Nathan Rosenberg for Congress (the "Rosenberg Committee"), in the respective amounts of $2,500 and $1,505, with the former contribution being an in-kind contribution. When notified of the potential violation by RAD, the Committee requested a refund from the Rosenberg Committee, but as Rosenberg's campaign was having financial difficulty, the excess was not immediately refunded. On December 22, 1988, the Rosenberg Committee refunded $3,005 plus interest to the Committee, for a total of $3,008.15.

On June 2, 1988, the Committee, made a contribution to Tom Campbell for Congress (the "Campbell Committee") in the amount of $4,999. When notified of the potential violation by RAD, the Committee stated that on September 14, 1988, the Campbell Committee refunded $3,999 of the contribution. Finally, on June 1, 1988, and again June 2, 1988, the Committee made contributions to Friends of Harriett Wieder (the "Wieder Committee"), in the amount of $1,000 and $505, respectively. When notified of the excess by RAD, the Committee responded that the contribution should have been designated as $1,000 for the June 7, 1988 primary election and $505 for the general election. Wieder, however, was an unsuccessful candidate in the primary election and, after losing the primary, the Wieder Committee did not refund the $505 contribution to the Committee. Accordingly, with respect to the

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Committee's contributions to the Rosenberg, Campbell and Weider Committees there is reason to believe that the Committee and Michael R. Tripp, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A).

On April 20, 1988, May 4, 1988, and again on May 9, 1988, the Committee received contributions from Richard Reinsch in the amounts of $2,500, $1,000 and $7,800, respectively, for a total of $11,300. When questioned by RAD about receiving an apparent excessive contribution, the Committee's treasurer stated, in a letter dated October 5, 1988, that the Committee transferred $5,000 to its state account on May 10, 1988, but reported it on the wrong line of the 1988 12 Day Pre-Primary Report. The treasurer further stated that the Committee transferred the remaining excess of $1,300 to the state account on September 30, 1988. The Committee's treasurer explained that the Committee had obtained verbal authorization from Mr. Reinsch to transfer those funds to the state account and that it was in the process of getting the authorization in writing. While the initial May 10, 1988 transfer of $5,000 fell within the 60 day period established in Section 103.3(b)(3), the remaining excessive portion was not timely transferred. Additionally, since there is no indication that the apparent excessive contribution made by Mr. Reinsch was initally intended for the Committee's non-federal account, it does not appear that the Committee inadvertently deposited the funds into the federal account. Therefore, there is reason to believe that the Committee and Michael R. Tripp, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution.

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On September 29, 1988, the Committee received a $300 contribution from the San Diego County Log Cabin Club, an unregistered state political action committee. The Committee deposited the contribution into its federal account. In response to an inquiry by RAD, the Committee acknowledged that the San Diego Log Cabin Club had intended the contribution to be directed to the Committee's federal account, but the Committee had inadvertently deposited it into the federal account. In order to correct this error, the Committee transfered $300 to its non-federal account on December 20, 1988. Because corporate and union contributions are permissible under California law, the account of the unregistered state committee may have contained impermissible funds. Therefore, there is reason to believe that the Committee and Michael R. Tripp, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a). However, with regard to the apparent violation of Section 441b(a) of the Act and Section 102.5(a) of the Commission's Regulations, after considering the circumstances of this matter, the Commission has determined to take no further action.

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OGC 5398

HAND DELIVERED

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 FEB 13 AM 10:28

JAMES R. BAIRD, JR.
ATTORNEY AT LAW
2791 LA CASTANA DRIVE
LOS ANGELES, CALIFORNIA 90046
(213) 874-3442

February 12, 1990

Federal Election Commission
Washington, D.C. 20463

Attention: Craig Douglas Reffner, Esq.

Re: MUR 3022
Californians for Individual Rights and
Civil Liberties and Micheal R. Tripp,
as Treasurer

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 FEB 13 AM 11:21

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Gentlemen:

This is in response to your letter of January 24, 1990. Enclosed is a "Statement of Designation of Counsel."

We hereby request pre-probable cause conciliation based on the matters hereinafter set forth.

I have reviewed with my clients the Statement of Facts as set forth in your letter of January 24th and have examined the previous correspondence with the Commission, and my clients agree with and accept the said Statement of Facts insofar as it relates to the Nathan Rosenberg, Tom Campbell and Harriett Weider matters. By way of mitigation, we have formally requested the Weider Committee to return to the PAC the $505.00 excessive contribution. We realize that the return of this contribution still leaves a violation of the sixty day rule. However, this violation as well as the others in connection with the Rosenberg and Campbell campaigns were made without intent to violate the applicable statutes and regulations.

The final issue raised in your Statement of Facts concerns contributions made to the PAC by Mr. Richard M. Reinsch in 1988. In my review of the correspondence it appears an error was made by Mr. Tripp in that the $7,800 check dated May 9, 1988 was mistakenly deposited in the PAC's Federal account when the funds were intended primarily for the funding of a local campaign by Mr. Reinsch himself in his candidacy for Republican County Central

Committee in the 70th Assembly District in Orange County, California, in 1988. I am enclosing photocopies of Mr. Reinsch's letter of May 9, 1988, the check of the same date, and the PAC deposit receipt. The payments of $4.496.10 and $3,235.70, totaling $7,731.80, would leave $68.20 in the PAC State account for other expenditures for California state purposes - if the original deposit had been correctly made.

The matters raised in the Statement of Facts were the subject of a number of letters between Mr. Tripp and Kate Henry, Reports Analyst, Reports Analysis Division, Federal Election Commission in calendar 1988. In fact, Mr. Frank N. Ricchiazzi, Executive Director of the PAC, met with Ms. Henry in Washington in January of 1989 and was assured at that time that the Commission apparently was satisfied with the corrective actions taken by the PAC when the technical violations of law were called to the attention of Mr. Tripp. Therefore, your letter of January 24th came as somewhat of a surprise to my clients. However, we are pleased to have this opportunity to clarify the situation and rectify any outstanding matters.

We trust the information supplied herewith will aid the Commission in an expeditious conclusion to this problem and I look forward to receiving your reply.

Very truly yours,

James R. Baird, Jr.

cc. Mr. Micheal R. Tripp
Mr. Frank N. Ricchiazzi
Sindee M. Smolowitz, Esq.

91040371410

BEFORE THE FEDERAL ELECTION COMMISSION

STATEMENT OF DESIGNATION OF COUNSEL

Re: MUR 3022

NAME OF COUNSEL: James R. Baird, Jr.
Attorney at Law

ADDRESS: 2791 La Castana Drive
Los Angeles, CA 90046-1330

TELEPHONE: (213) 874-3442

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

Dated: February 12, 1990

Micheal R. Tripp, for himself
and in his capacity as Treasurer

RESPONDENTS' NAMES:
(1) Micheal R. Tripp, as Treasurer of Log Cabin Political Action Committee, formerly Californians for Individual Rights and Civil Liberties
(2) Log Cabin Political Action Committee, formerly Californians for Individual Rights and Civil Liberties

ADDRESS: 7080 Hollywood Boulevard, Suite 502
Hollywood, CA 90028

HOME PHONE: (213) 257-2432

BUSINESS PHONE: (213) 463-7477

9104037141

Bechtel Western Power Company
Engineers — Constructors
12440 East Imperial Highway
Norwalk, California 90650
MAIL ADDRESS
P.O. BOX 60860-TERMINAL ANNEX, LOS ANGELES, CALIFORNIA 90060
TELEPHONE: (213) 607-2000

May 9, 1988

Mr. Michael Tripp, Treasurer
CIRCL-PAC
7080 Hollywood Blvd.
Los Angeles, CA 90028

Dear Michael,

As discussed with you this morning, enclosed is a check to CIRCL-PAC for $7800.00 being sent to you by Express Mail this date.

Please deposit this check into CIRCL-PAC's account and send back to me by Express Mail at my home (32161 South Coast Highway, South Laguna, CA 92677) two cashier's checks from CIRCL-PAC as follows:

1. $4496.10 Payable to L. A. Times

2. $3235.70 Payable to TCI

This money is for the printing and distribution of some literature for my Central Committee campaign in the 70th Assembly District.

Thank you for your assistance in this matter.

If you have any questions or need any additional information, please contact me at (714) 368-7204 (day) or (714) 499-5576 (evening).

Sincerely,

R. M. Reinsch
Project Quality Assurance Engineer

cc: Frank Ricchiazzi

Enclosure

3120X-5

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807-5503

RICHARD M. REINSCH
[illegible]576
[illegible] 485
SOUTH LAGUNA, CA 92677

3898

May 9 1988

16-21/1220

Pay to the Order of CIRCL [illegible] $ 7800.00

[illegible] eight hundred and [illegible] Dollars

First Interstate Bank

First Interstate Bank of California #221
Six Monarch Bay Plaza
P.O. Box 378
South Laguna, CA 92677-0378

For Company Mailer

Richard M Reinsch

⑆122000218⑆ 2216094 16⑈ 3898 11

Deposit Slip

☒ Checking ☐ Savings

For bank use only		
Cash Count		
X	100	
X	50	
X	20	
X	10	
X	5	
X	1	
Total		

Name CIRCL FEDERAL ACCOUNT

Account Number 018331248709

Date 5/11/88

NOTICE: A hold for uncollected funds may be placed on funds deposited by check or similar instruments. This could delay your ability to withdraw such funds. The delay, if any, would not exceed the period of time stated by law.

I acknowledge receipt of this sum. No person whose name appears on this account is deceased.

Sign here for less cash in teller's presence

Description	Dollars	Cents
Currency		
Coin		
Checks—list 16-21/1220	7800	00
Total		
Less Cash Received		
Net Deposit	$7800	00

RUST SAVINGS BANK

9 1 0 4 0 3 7

SALL & VALK
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
ATTORNEYS
25909 PALA, SUITE 300
MISSION VIEJO, CALIFORNIA 92691
(714) 855-0295
TELECOPIER (714) 855-8310

ROBERT H. SALL
A PROFESSIONAL CORPORATION
BONNIE J. BROWN
SINDEE M. SMOLOWITZ

ALEC VALK
A PROFESSIONAL CORPORATION
CERTIFIED TAX LAW SPECIALIST

February 13, 1990

Federal Election Commission
Washington, D.C. 20643

VIA FAX

Attention: Craig Douglas Reffner, Esq.

Re: MUR 3022, Richard M. Reinsch

Dear Mr. Reffner:

This office has been retained to represent Mr. Reinsch with respect to the subject complaint against him. Mr. Reinsch is out of town and will be returning on February 14, 1990. Upon his return, he will be completing a Statement of Designation of Counsel and I will be sure that the Statement of Designation of Counsel is faxed to you immediately.

In the interim, I would like to respond to your letter of January 24, 1990. Since receipt of that letter I have had numerous conversations with Mr. Jim Baird who is counsel for Californians for Individual Rights and Civil Liberties (CIRCL-PAC). The substance of the complaint against Mr. Reinsch is that he allegedly made contributions to CIRCL-PAC in excess of the authorized amounts under the Federal Elections Campaign Act of 1971, as amended [specifically U.S.C. Section 44a(a)(1)(C)]. It is my understanding from Mr. Baird that CIRCL-PAC has been in direct contact with the FEC in an effort to resolve this matter, since the problem apparently stems from an accounting error on the part of CIRCL-PAC.

In the meantime, I am enclosing for your attention copies of cancelled checks and explanatory letters associated thereto which should clearly resolve any implications that Mr. Reinsch is in violation of the Federal Election Campaign Act.

9104037414

SALL & VALK

Mr. Reinsch made contributions to CIRCL-PAC in 1988 which totaled $16,300. The contributions were allocated as follows:

1. $2,500 to be designated for Rosenberg for Congress Campaign (Federal);

2. $2,300 to be designated for the Republic Committee (State);

3. $1,000 for Harriet Weider for Congress (Federal);

4. $7,800 for the State Central Committee (State);

5. $500 for the LIFE Legislative Advocate (State);

6. $1,000 for the CIRCL-PAC "Golden Circle" (State); and

7. $1,200 which is undesignated at this time, but even if it was allocated to a Federal campaign it would still keep Mr. Reinsch's contributions below the $5,000 limitation.

I hope that the enclosed documentation provided will help to expedite resolution of this claimed violation against Mr. Reinsch. Please advise the undersigned at your earliest convenience of your findings.

Sincerely,

SALL & VALK

Sindee M. Smolowitz

Sindee M. Smolowitz

SMS:li

Enclosure

cc: Richard M. Reinsch
Jim Baird, CIRCL-PAC

letters/rein0213.ltr

9104087415

FEB 13 '90 13:47
02/05/1990 10:57

Bechtel Western Power Company
Engineers — Constructors
12440 East Imperial Highway
Norwalk, California 90650
MAIL ADDRESS
P.O. BOX [illegible] TERMINAL ANNEX, LOS ANGELES, CALIFORNIA [illegible]
TELEPHONE (213) 807-[illegible]

May 9, 1988

Mr. Michael Tripp, Treasurer
CIRCL-PAC
7080 Hollywood Blvd.
Los Angeles, CA 90028

Dear Michael,

As discussed with you this morning, enclosed is a check to CIRCL-PAC for $7800.00 being sent to you by Express Mail this date.

Please deposit this check into CIRCL-PAC's account and send back to me by Express Mail at my home (32161 South Coast Highway, South Laguna, CA 92677) two cashier's checks from CIRCL-PAC as follows:

1. $4496.10 Payable to L. A. Times
2. $3235.70 Payable to TCI

I thought this was going directly to Tim??

This money is for the printing and distribution of some literature for my Central Committee campaign in the 70th Assembly District.

Thank you for your assistance in this matter.

If you have any questions or need any additional information, please contact me at (714) 368-7204 (day) or (714) 499-5576 (evening).

Sincerely,

Richard M Reinsch

R. M. Reinsch
Project Quality Assurance Engineer

cc: Frank Ricchiazzi

Enclosure

3120X-5

9104087141 6

887-5583

Bechtel Western Power Company
Engineers — Constructors
12440 East Imperial Highway
Norwalk, California 90650
MAIL ADDRESS
P.O. BOX 60860-TERMINAL ANNEX LOS ANGELES, CALIFORNIA 90060
TELEPHONE (213) 807-7000

May 4, 1988

Mr. Michael Tripp, Treasurer
CIRCL-PAC
7080 Hollywood Blvd.
Los Angeles, California 90028

Dear Michael,

In accordance with an agreement I made with Frank Ricchiazzi on May 3rd, enclosed is a check to CIRCL-PAC for $1000.00. He assures me that you will deposit this check in the CIRCL-PAC account and send me a check from CIRCL-PAC for $1000.00 payable to Harriett Wieder for Congress in exchange. Please date this check June 1, 1988 and send it to me at the following address:

Richard M. Reinsch
P. O. Box 485
South Laguna, CA 92677

In the very near future I will be sending you additional checks to cover the cost of printing and mailing out some literature for my Central Committee campaign or donations to other candidates.

Thank you for your assistance in these matters.

If you have any questions or need any additional information, please contact me at (714) 368-7204 (day) or (714) 499-5575 (evening).

Sincerely,

Richard M Reinsch

R. M. Reinsch
Project Quality Assurance Engineer

RMR:dp
qa:97p8

Enclosure

91040371417

FEB 13 '90 13:47

02/05/1988 10:59 M BECHTEL LA TO 3813

RICHARD M. REINSCH
499-5576
P. O. BOX 485
SOUTH LAGUNA, CA 92677

March 8 1988 16-21/1220

Pay to the Order of CIRCL-PAC $ 1200.00

One thousand two hundred and no/100 Dollars

First Interstate Bank
First Interstate Bank of California 6221 Six Monarch Bay Plaza P.O. Box 375 South Laguna, CA 92677-0375

For

⑆122000218⑆ 3813 11 ⑈0000120000⑈

3875

RICHARD M. REINSCH
499-5576
P. O. BOX 485
SOUTH LAGUNA, CA

April 20 1988 16-21/1220

CIRCL-PAC $ 2500.00

Dollars

APR 25 1988
TRUST SAVINGS BANK

First Interstate Bank of California 6221 Six Monarch Bay Plaza P.O. Box 375 South Laguna, CA 92677-0375

⑆0000250

3880

RICHARD M. REINSCH
499-5576
P. O. BOX 485
SOUTH LAGUNA, CA 92677

May 2 1988 16-21/1220

Pay to the Order of CIRCL-PAC $ 2300.00

Two thousand three hundred and no/100 Dollars

First Interstate Bank
First Interstate Bank of California 6221 Six Monarch Bay Plaza P.O. Box 375 South Laguna, CA 92677-0375

For

⑆122000218⑆ [redacted]

9 0 4 0 8 7 1 4 1 8

9104087141 9

RICHARD M. REINSCH
P. O. BOX 486
SOUTH LAGUNA, CA 92677

3881

May 4 1988

16-21/1220

TELLER #1035 P.U.

MAY 07

CIRCL-PAC

$ 1000.00

[redacted]

First Interstate Bank

For [redacted]

⑆122000218⑆221609416⑈ 3881

RICHARD M. REINSCH
P. O. BOX 486
SOUTH LAGUNA, CA 92677

3898

May 9 1988

16-21/1220

$ 7800.00

[redacted]

TELLER #1032 PAID

MAY 13 1988

SAVINGS BANK

First Interstate Bank

For Campaign Mailing

⑆122000218⑆221609416⑈ 3898 11 ⑈0000780000⑈

RICHARD M. REINSCH
P.O. BOX 486
SOUTH LAGUNA, CA 92677

4062

16-21/1220

PAY TO THE ORDER OF CIRCL-PAC $ 500.00

five hundred and no/100 DOLLARS

First Interstate Bank

FOR [illegible]

⑆122000218⑆221609416⑈ 4062 11 ⑈0000[illegible]

RICHARD M. REINSCH
P.O. BOX 485 [illegible]
SOUTH LAGUNA, CA 92677

4067

Dec 22 [illegible]

16-21/1220

CIRCL - PAC

$ 1000.00

[illegible]

[illegible]

9104087142O

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 FEB 20 PM 9:54

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3022

NAME OF COUNSEL: Ms. Sindee M. Smolowitz

ADDRESS: Sall & Valk
25909 Pala, Suite 300
Mission Viejo, CA 92691

TELEPHONE: (714) 855-0295

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.

2-14-90
Date

Richard M Reinsch
Signature

RESPONDENT'S NAME: Richard M. Reinsch

ADDRESS: P. O. Box 485
South Laguna, CA 92677

HOME PHONE: (714) 499-5576

BUSINESS PHONE: (213) 807-5503

9104087142 1

06C6136

JAMES R. BAIRD, JR.
ATTORNEY AT LAW
2791 LA CASTANA DRIVE
LOS ANGELES, CALIFORNIA 90046
(213) 874-3442

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 MAY -8 AM 9:59

HAND DELIVERED

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY -8 AM 11:35

May 4, 1990

Craig Douglas Reffner, Esq.
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3022
Californians for Individual Rights and
Civil Liberties and Micheal R. Tripp,
as Treasurer

91040371422

Dear Mr. Reffner:

Pursuant to our telephone conversations, I am pleased to make this additional response on behalf of my above named clients.

After you called my attention to §110.6 of Title 11 of the Code of Federal Regulations, I contacted Mr. Tripp and advised him of the "earmarking" provisions of the regulations. He reviewed all of his records pertaining to the PAC contributions for Federal election matters and ascertained that the only earmarked funds received were in connection with the Harriet Weider matter — which you previously mentioned to me in one of our conversations. Mr. Tripp filed amended Reports of Receipts and Disbursements with the Commission so that our filings should now be both complete and accurate. Copies of the amended filings are enclosed.

We hereby repeat our request for pre-probable cause conciliation.

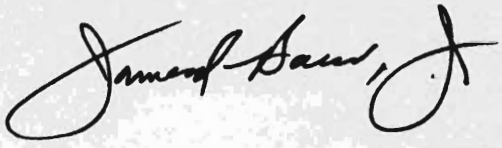
It would appear, again, that the PAC violated the sixty day filing rules. However, as I previously stated, these filing errors were made without intent to violate the spirit of the applicable statutes and regulations.

It would also appear that our response should now constitute a factual clarification in a related matter before the Commission,

namely the Richard M. Reinsch matter bearing the same MUR.

Thank you for providing this further opportunity for us to clarify our position and correct the filing record. We trust the additional information will aid the Commission in an expeditious conclusion to this Matter Under Review.

Very truly yours,



cc. Mr. Micheal R. Tripp, w/o enc.
Mr. Frank N. Ricchiazzi, w/o enc.
Sindee M. Smolowitz, Esq., w/o enc.

9104087142 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

(Summary Page)

COPY

OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

ADDRESS (number and street) ☐ Check if different than previously reported

7080 HOLLYWOOD BLVD, STE 502

CITY, STATE and ZIP CODE

HOLLYWOOD, CA 90028

2. FEC IDENTIFICATION NUMBER

C 00206128

3. ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date).

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report

☒ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-election Year Only)

☐ Termination Report

Monthly Report Due On:

☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____ in the State of _____

(b) Is this Report an Amendment? ☒ YES ☐ NO

9104087142 4

SUMMARY

		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5.	Covering Period MAY 19, 1988 through JUNE 30, 1988		
6.	(a) Cash on Hand January 1, 1988		$ -0-
	(b) Cash on Hand at Beginning of Reporting Period	$ 4397.46	
	(c) Total Receipts (from Line 18)	$ 4128.98	$ 17593.07
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 8526.44	$ 17593.07
7.	Total Disbursements (from Line 28)	$ 6504.00	$ 15570.63
8.	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 2022.44	$ 2022.44
9.	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	$ -0-	
10.	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	$ -0-	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-376-3120

I 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

MICHAEL R TRIPP

Signature of Treasurer

Date

5-1-90

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

FEC FORM 3X (revised 4/87)

SCHEDULE A ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 11(a)(i)

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)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

A. Full Name, Mailing Address and ZIP Code THOMAS W FORD 3000 SAND HILL ROAD, BLDG 4, STE 180 MENLO PARK, CA 94025	Name of Employer SELF	Date (month, day, year) 05-23-88	Amount of Each Receipt this Period 2500.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation INVESTOR		
	Aggregate Year-to-Date > $ 2500.00		
B. Full Name, Mailing Address and ZIP Code BURDEN THEODORE MOLLER 330 CAJUN TERRACE LAGUNA BEACH, CA 92651	Name of Employer SELF	Date (month, day, year) 05-21-88	Amount of Each Receipt this Period 600.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation INVESTOR		
	Aggregate Year-to-Date > $ 600.00		
C. Full Name, Mailing Address and ZIP Code RONALD SMITH 2047 PINE STREET SAN FRANCISCO, CA 94115	Name of Employer SELF	Date (month, day, year) 05-22-88	Amount of Each Receipt this Period 1000.00
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation CAMPAIGN CONSULTANT		
	Aggregate Year-to-Date > $ 1600.00		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ Other (specify):	Occupation		
	Aggregate Year-to-Date > $		

SUBTOTAL of Receipts This Page (optional)	4100.00
TOTAL This Period (last page this line number only)	4100.00

9104087142 5

SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 21

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)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

	Purpose of Disbursement	Date (month day, year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code HARRIET WIEDER FOR CONGRESS 330 CAJUN TERRACE LONG BEACH, CA 92651 ID # 33-0279048	CONTRIB TO CONGRESSIONAL CAMPAIGN - PRIMARY Disbursement for: [X] Primary [ ] General [ ] Other (specify)	6-1-88	1000.00 ★ [redacted]
B. Full Name, Mailing Address and ZIP Code HARRIET WIEDER FOR CONGRESS 330 CAJUN TERRACE LONG BEACH, CA 92651 ID # 33-0279048	CONTRIB TO CONGRESSIONAL CAMPAIGN Disbursement for: [ ] Primary [X] General [ ] Other (specify)	6-2-88	505.00
C. Full Name, Mailing Address and ZIP Code TOM CAMPBELL FOR CONGRESS P O BOX 1389 MOUNTAIN VIEW, CA 94042-1389 ID # 123914	CONTRIB TO CONGRESSIONAL CAMPAIGN (NOTE: 399.00 WAS REFUNDED TO CIRCL ON 9-14-88) Disbursement for: [X] Primary [ ] General [ ] Other (specify)	6-2-88	499.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] 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: [ ] Primary [ ] General [ ] Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	6504.00
TOTAL This Period (last page this line number only)	6504.00

9104037142 6

REPORT OF RECEIPTS AND DISBURSEMENTS

Other Than An Authorized Committee

(Summary Page)

COPY

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full): CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

ADDRESS (number and street) ☐ Check if different than previously reported: 7080 HOLLYWOOD BLVD, STE 502

CITY, STATE and ZIP CODE: HOLLYWOOD, CA 90028

2. FEC IDENTIFICATION NUMBER: C 00206128

3. ☐ This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date).

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-election Year Only)

☐ Termination Report

Monthly Report Due On:

☐ February 20 ☐ June 20 ☐ October 20
☐ March 20 ☐ July 20 ☐ November 20
☐ April 20 ☐ August 20 ☐ December 20
☐ May 20 ☐ September 20 ☐ January 31

☒ Twelfth day report preceding PRIMARY (Type of Election) election on 6-7-88 in the State of CALIFORNIA

☐ Thirtieth day report following the General Election on _____ in the State of _____

(b) Is this Report an Amendment? ☒ YES ☐ NO

9104087142 7

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period 4-1-88 through 5-18-88		
6. (a) Cash on Hand January 1, 1988		$ 0
(b) Cash on Hand at Beginning of Reporting Period	$ 0	
(c) Total Receipts (from Line 18)	$ 13464.09	$ 13464.09
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 13464.09	$ 13464.09
7. Total Disbursements (from Line 28)	$ 9066.63	$ 9066.63
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 4397.46	$ 4397.46
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	$ 0	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	$ 0	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-376-3120

I 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: MICHEAL R TRIPP

Signature of Treasurer: [signature]

Date: 5-2-90

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

FEC FORM 3X (revised 4/87)

DETAILED SUMMARY PAGE

Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (in full): CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIC LIBERTIES

Report Covering the Period From: 4-1-88 To: 5-18-88

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)	13000.00	13000.00	11(a)(i)
(ii) Unitemized	460.00	460.00	11(a)(ii)
(iii) Total of contributions from individuals	13460.00	13460.00	11(a)(iii)
(b) Political Party Committees			11(b)
(c) Other Political Committees (such as PACs)			11(c)
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))	13460.00	13460.00	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			12
13. ALL LOANS RECEIVED			13
14. LOAN REPAYMENTS RECEIVED			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17. OTHER RECEIPTS (Dividends, Interest, etc.)	4.09	4.09	17
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	13464.09	13464.09	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES	61.63	61.63	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	4005.00	4005.00	21
22. INDEPENDENT EXPENDITURES (use Schedule E)			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)			23
24. LOAN REPAYMENTS MADE			24
25. LOANS MADE			25
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	5000.00	5000.00	26(a)
(b) Political Party Committees			26(b)
(c) Other Political Committees (such as PACs)			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))	5000.00	5000.00	26(d)
27. OTHER DISBURSEMENTS			27
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	9066.63	9066.63	28
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans)(from Line 11(d))	13460.00	13460.00	29
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))	5000.00	5000.00	30
31. NET CONTRIBUTIONS (other than loans)(subtract Line 30 from 29)	8460.00	8460.00	31
32. TOTAL OPERATING EXPENDITURES (from Line 19)	61.63	61.63	32
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)	0	0	33
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)	61.63	61.63	34

SCHEDULE A **ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER 11(a)(1)

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)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. RONALD SMITH 2047 PINE STREET SAN FRANCISCO, CA 94115 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	SELF Occupation: CAMPAIGN CONSULTANT Aggregate Year-to-Date > $ 600.00	04-15-88	600.00
B. RICHARD M REINSCH P O BOX 485 SOUTH LAGUNA, CA 92677 Receipt For: ☐ Primary ☐ General ☐ Other (specify): *EARMARKED FOR CAMPAIGN OF HARRIET WIDER	BECHTEL WESTERN POWER Occupation: ENGINEER Aggregate Year-to-Date > $ 11300.00 **	04-20-88 05-04-88 05-09-88	2500.00 1000.00 * 7800.00
C. M RICHARD SOUSA P O BOX 5198 BEVERLY HILLS, CA 90210 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	SELF Occupation: INVESTOR Aggregate Year-to-Date > $ 300.00	04-05-88	300.00
D. KEITH F MARSH 639 MARIE AVENUE LOS ANGELES, CA 90042 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	SELF Occupation: ATTORNEY Aggregate Year-to-Date > $ 300.00	04-04-88	300.00
E. FRANK D PECK 4055 WILSHIRE BLVD, STE 330 LOS ANGELES, CA 90010 Receipt For: ☐ Primary ☐ General ☐ Other (specify):	SELF Occupation: ATTORNEY Aggregate Year-to-Date > $ 500.00	04-24-88	500.00
F. Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date > $		
G. Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Occupation Aggregate Year-to-Date > $		

SUBTOTAL of Receipts This Page (optional)	13000.00
TOTAL This Period (last page this line number only)	13000.00

9104087 1429

SCHEDULE B — ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 19

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)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
B. Full Name, Mailing Address and ZIP Code TRUST SAVINGS BANK 2732 HYPERION AVENUE LOS ANGELES, CA 90027	Purpose of Disbursement CHECK PRINTING CHARGE Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 05-18-88	Amount of Each Disbursement This Period 61.63
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	61.63
TOTAL This Period (last page this line number only)	61.63

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SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE ___ OF ___

FOR LINE NUMBER 21

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)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
A. Full Name, Mailing Address and ZIP Code NATHAN ROSENBERG FOR CONGRESS ID# C 00204526	CAMPAIGN CONTRIBUTION Disbursement for: [X] Primary [ ] General [ ] Other (specify)	04-24-88	1505.00
B. Full Name, Mailing Address and ZIP Code TED LONG BOOKS PO BOX 1989 WILMINGTON, CA 90748	Purpose of Disbursement CAMPAIGN LITERATURE FOR N. ROSENBERG FOR CONGRESS (IN KIND CONTRIBUTION) Disbursement for: [X] Primary [ ] General [ ] Other (specify)	04-21-88	2500.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: [ ] Primary [ ] General [ ] Other (specify)		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: [ ] Primary [ ] General [ ] Other (specify)		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: [ ] Primary [ ] General [ ] Other (specify)		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: [ ] Primary [ ] General [ ] Other (specify)		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: [ ] Primary [ ] General [ ] Other (specify)		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: [ ] Primary [ ] General [ ] Other (specify)		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: [ ] Primary [ ] General [ ] Other (specify)		

SUBTOTAL of Disbursements This Page (optional)	4005.00
TOTAL This Period (last page this line number only)	4005.00

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SCHEDULE B **ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1

FOR LINE NUMBER 26

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NAME OF COMMITTEE (In Full)

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

A. Full Name, Mailing Address and ZIP Code CIRCL-PAC 7080 HOLLYWOOD BLVD, STE 502 HOLLYWOOD, CA 90028	Purpose of Disbursement: TRF OF EXCESS CONTRIBUTION FROM RICHARD REINSCH TO STATE FUND Disbursement for: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year) 05-10-88	Amount of Each Disbursement This Period 5000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	5000.00
TOTAL This Period (last page this line number only)	5000.00

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OGC 6362

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FEDERAL ELECTION COMMISSION
MAIL ROOM

90 MAY 30 AM 9:23

SALL & BROWN
A PROFESSIONAL CORPORATION
ATTORNEYS
25909 PALA, SUITE 300
MISSION VIEJO, CALIFORNIA 92691
(714) 855-0295
TELECOPIER (714) 855-8310

ROBERT K. SALL
BONNIE J. BROWN
SINDEE M. SMOLOWITZ

OF COUNSEL
ALEC VALK
A PROFESSIONAL CORPORATION

May 24, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 MAY 30 AM 11:38

Federal Election Commission
Washington, D.C. 20463

Attention: Craig Douglas Reffner, Esq.

Re: MUR 3022, Richard M. Reinsch

Dear Mr. Reffener:

Pursuant to our telephone conversation of May 17, 1990 I hereby request, on behalf of Mr. Reinsch, pre-probable cause conciliation based on the matters hereinafter set forth.

I have reviewed with my client the circumstances surrounding the payment of check no. 387 dated April 20, 1988 to Circl-Pac in the amount of $2,500 with a designation in the lower left hand corner of, "Ted Long Books." These monies do not represent a payment to the Nathan Rosenberg campaign. These monies were to enable Circl-Pac to purchase books written by Mr. Rosenberg that described Mr. Rosenberg's position on various social and political matters, for distribution to the general public. My understanding is that the books were purchased as part of Circl-Pac's ongoing program to educate their constituency with respect to the positions various candidates take that are seeking an endorsement from Circl-Pac contributors. Let me assure you that this contribution was not made with the intent to violate <u>any</u> applicable FEC statutes or regulations. In addition, Mr. Reinsch did not intend this payment to be a political contribution to the Rosenberg campaign.

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Thank you for this opportunity to clarify Mr. Reinsch's position with respect to this inquiry. I trust that the information supplied herein will assist the Commission in reaching an expeditious resolution to this problem. I look forward to receiving your reply.

Very truly yours,

SALL & BROWN

Sindee M. Smolowitz

Sindee M. Smolowitz

SMS:li

cc: Mr. Richard Reinsch
Mr. James R. Baird
Mr. Frank N. Ricchiazzi

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OGC 6624

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 JUN 11 AM 10:08

SALL & BROWN
A PROFESSIONAL CORPORATION
ATTORNEYS
25909 PALA, SUITE 300
MISSION VIEJO, CALIFORNIA 92691
(714) 855-0295
TELECOPIER (714) 855-8310

ROBERT K. SALL
BONNIE J. BROWN
SINDEE M. SMOLOWITZ

OF COUNSEL
ALEC VALK
A PROFESSIONAL CORPORATION

June 5, 1990

Federal Election Commission
Washington, D.C. 20463

Attn: Craig Douglas Reffner, Esq.

Re: MUR 3022, Richard M. Reinsch

Dear Mr. Reffner:

This letter is written to clarify some information contained in my May 24, 1990 correspondence to you with respect to the subject inquiry.

After further discussion with Mr. Reinsch, it seems that I may have misunderstood the purpose for which check no. 387, dated April 20, 1988 payable to Circl-Pac in the amount of $2,500 was issued.

It is my understanding that the contribution in question was made to enable Circl-Pac to support Mr. Rosenberg's efforts to publish additional copies of his book containing his views on various social and political issues for distribution to the general public.

The books were, as I now believe, published and thereafter distributed by mail by the Rosenberg Campaign to a select portion of voters in the County. Circl-Pac was not involved in the distribution of the books.

Let me apologize for any confusion my earlier letter may have caused. I want to assure you, once again, that Mr. Reinsch's only purpose in making this contribution was to support Circl-Pac's commitment to several Republican candidates for State and Federal offices including Nathan Rosenberg. Mr. Reinsch's understanding at the time was that he could contribute up to five thousand dollars ($5,000) to the PAC for Federal campaign purpose, which the PAC in turn could distribute to various candidates.

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FEDERAL ELECTION COMMISSION
RECEIVED
OFFICE OF GENERAL COUNSEL

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Thank you again for this opportunity to clarify Mr. Reinsch's position with respect to this inquiry. I hope that the additional information supplied herein sheds some light on the contribution in question, and will assist the Commission in reaching an expeditious conclusion to this problem. As stated in my earlier letter, Mr. Reinsch respectfully continues his request for pre-probable cause conciliation based on the facts contained herein.

I look forward to receiving your reply.

Sincerely,

SALL & BROWN

Sindee M. Smolowitz

SMS:li

cc: Mr. Richard Reinsch
Mr. James R. Baird
Mr. Frank N. Ricchiazzi

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RECEIVED
FEDERAL ELECTION COMMISSION
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90 JUN 28 PM 3:56

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)	
	)	
Log Cabin PAC (f/k/a)	)	
Californians for Individual Rights	)	MUR 3022
and Civil Liberties and	)	
Micheal R. Tripp, as treasurer,	)	
	)	
Richard M. Reinsch	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 11, 1990, the Commission found reason to believe, inter alia, that Log Cabin PAC and Micheal R. Tripp, as treasurer, (collectively known as the "Committee") violated 2 U.S.C. § 441a(f), by accepting an excessive contribution from Richard M. Reinsch, and 2 U.S.C. § 441a(a)(1)(A), by making excessive contributions to three federal candidates. On the same date, the Commission also found reason to believe that Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(C). Respondents were notified of the Commission's findings by letter dated January 24, 1990, and to date, this Office has received two responses from the Committee, on February 13, 1990, and May 4, 1990 (Attachments 1 and 2), and three responses from Richard Reinsch, on February 13, 1990, May 30, 1990, and June 11, 1990 (Attachments 3, 4 and 5). Both of the Respondents have requested pre-probable cause conciliation.

II. DISCUSSION

The responses received to date disclose that Richard Reinsch provided the Committee with funds which the Committee ultimately used in connection with the federal campaigns of Harriett Wieder and Nathan Rosenberg. For example, it appears that on

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May 4, 1988, Mr. Reinsch mailed a $1,000 check to the Committee with instructions for the Committee to deposit his check in its account, issue a check on the Committee's account for the same amount, payable to Harriett Wieder for Congress, and to then send this latter check back to Mr. Reinsch. See Attachment 3 at 4. With regard to Nathan Rosenberg's campaign, it appears that Mr. Reinsch sent the Committee a $2,500 check, which was used, as counsel for Mr. Reinsch explains, "to enable [the Committee] to support Mr. Rosenberg's efforts to publish additional copies of his book containing his views on various social and political issues for distribution to the general public." See Attachment 5 at 1.

The information presently available concerning these transactions is ambiguous and susceptible to varying interpretations. Arguably, Mr. Reinsch's contributions to the Committee appear to be earmarked contributions, although it is unclear why the contribution to Harriett Wieder, drawn on the Committee's account, was returned to Mr. Reinsch. If the contributions are viewed as earmarked, it would appear that the Committee improperly reported them as such and that Richard Reinsch made an excessive contribution to Nathan Rosenberg, a federal candidate. On the other hand, the structure of these transactions also gives the appearance that the Committee made the contributions, not Mr. Reinsch. As such, these transactions could be interpreted as contributions made in the name of another, in violation of 2 U.S.C. § 441f.

In an effort to resolve the ambiguities surrounding these contributions, this office has arranged for a phone conference with

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Richard Reinsch and his counsel, which is scheduled for July 11, 1990. Accordingly, this Office recommends that the Commission deny the Respondents' requests for pre-probable cause conciliation, at this time. After a full review of all the evidence, this Office will report to the Commission with appropriate recommendations.

III. RECOMMENDATIONS

1. Deny the request for pre-probable cause conciliation submitted on behalf of Log Cabin PAC and Micheal R. Tripp, as treasurer, at this time.

2. Deny the request for pre-probable cause conciliation submitted on behalf of Richard M. Reinsch, at this time.

3. Approve the attached letter and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 6/27/90

BY: [signature]
Lois G. Lerner
Associate General Counsel

Attachments
1. Response of Log Cabin PAC, dated February 12, 1990
2. Response of Log Cabin PAC, dated May 4, 1990
3. Response of Richard M. Reinsch, dated February 13, 1990
4. Response of Richard M. Reinsch, dated May 24, 1990
5. Response of Richard M. Reinsch, dated June 5, 1990
6. Proposed letter to Sindee M. Smolowitz, Esq.

Staff Person: Craig Douglas Reffner

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Log Cabin PAC (f/k/a)	)	MUR 3022
Californians for Individual Rights	)	
and Civil Liberties and	)	
Micheal R. Tripp, as treasurer,	)	
	)	
Richard M. Reinsch	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 3, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 3022:

1. Deny the request for pre-probable cause conciliation submitted on behalf of Log Cabin PAC and Micheal R. Tripp, as treasurer, at this time.

2. Deny the request for pre-probable cause conciliation submitted on behalf of Richard M. Reinsch, at this time.

3. Approve the letter attached to the General Counsel's report dated June 27, 1990, and other appropriate letter, as recommended.

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

Attest:

7-3-90
Date

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

Received in the Secretariat: Thursday, June 28, 1990 3:56 p.m.
Circulated to the Commission: Friday, June 29, 1990 12:00 p.m.
Deadline for vote: Tuesday, July 3, 1990 4:00 p.m.

dh

91040871440

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1990

James R. Baird, Jr., Esq.
2791 La Castana Drive
Los Angeles, California 90046

RE: MUR 3022
Log Cabin PAC (f/k/a)
Californians for Individual
Rights and Civil Liberties and
Micheal R. Tripp, as treasurer

Dear Mr. Baird:

On January 24, 1990, you were notified that the Federal Election Commission found reason to believe that your clients, Log Cabin PAC and Micheal R. Tripp, as treasurer, violated 2 U.S.C. §§ 441a(f), 441a(a)(1)(A), and 441b(a), provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), and 11 C.F.R. § 102.5(a), a provision of the Commission's regulations. The Commission also determined to take no further action with regard to the violations of 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a). On February 12, 1990, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe and on May 4, 1990, you reiterated this request.

The Commission has considered your request and determined, because of the need to complete the investigation, to decline at this time to enter into conciliation prior to a finding of probable cause to believe.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9104037144 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 1990

Sindee M. Smolowitz, Esq.
Sall & Brown
25909 Pala, Suite 300
Mission Viejo, California 92691

RE: MUR 3022
Richard M. Reinsch

Dear Ms. Smolowitz:

On January 24, 1990, you were notified that the Federal Election Commission found reason to believe that your client, Richard M. Reinsch, violated 2 U.S.C. § 441a(a)(1)(C). On May 24, 1990, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe and on June 5, 1990, you reiterated this request.

The Commission has reviewed your request and determined to decline at this time to enter into conciliation prior to a finding of probable cause to believe, pending the completion of the investigation into this matter. In this regard, I note that the General Counsel's Office has arranged a telephone conference with you and your client, scheduled for July 11, 1990, at 9:00 a.m., your time.

At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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RECEIVED
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SECRETARIAT

90 DEC 11 AM 9:31

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Log Cabin PAC	)	
(f/k/a) Californians for Individual	)	MUR 3022
Rights and Civil Liberties	)	
and Micheal R. Tripp, as treasurer,	)	
	)	
Richard M. Reinsch	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 11, 1990, the Commission found reason to believe, inter alia, that Log Cabin PAC and Micheal R. Tripp, as treasurer, (collectively known as the "Committee")[1] violated 2 U.S.C. § 441a(f), by accepting three contributions from Richard M. Reinsch which aggregated in excess of the Act's contribution limits, and 2 U.S.C. § 441a(a)(1)(A), by making excessive contributions to three federal candidates. On the same date, the Commission also found reason to believe that Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(C). To date, this Office has received two responses from the Committee (Attachments A and B) and three responses from Richard Reinsch (Attachments C, D and E). Submitted in their respective responses were requests to enter into pre-probable cause conciliation, which the Commission denied on July 3, 1990, pending a phone conference that this Office scheduled with Mr. Reinsch and his counsel. The phone conference, held on July 26, 1990, was arranged to address ambiguities surrounding Mr. Reinsch's

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1. At the time of the Commission's finding on January 11, 1990, Log Cabin PAC was operating under the name of Californians For Individual Rights and Civil Liberties ("Circl-Pac").

contributions to the Committee. As discussed below, a review of the available information reveals that additional violations may have occurred. In particular, it now appears that the Committee failed to disclose earmarked contributions and that Richard Reinsch made an excessive contribution to Nathan Rosenberg, a Federal candidate.

II. INFORMATION OBTAINED FROM DISCOVERY

A. Earmarking Violations and Excessive Contribution from Richard Reinsch to Nathan Rosenberg for Congress

In its initial response, the Committee did not dispute the Commission's determination regarding the Section 441a(a)(1)(A) violations and acknowledged making excessive contributions to Nathan Rosenberg, Harriett Wieder and Tom Campbell. See Attachment A at 1.[2] However, in its supplemental response the Committee acknowledged that the $1,000 contribution it made to Harriett Wieder for Congress (the "Wieder Committee") was actually an earmarked contribution from Mr. Reinsch. See Attachment B at 1. The Committee enclosed copies of amended reports which show

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2. A review of disclosure reports shows that the Committee apparently achieved multicandidate committee status on September 30, 1988. In this regard, the Committee's contributions prior to this time would have been subject to the limitations of Section 441a(a)(1)(A) of the Act. As noted in the First General Counsel's Report the Committee's excessive contributions included the following:

Candidate	Contribution	Date
Nathan Rosenberg	$2,500	April 21, 1988
	1,505	April 24, 1988
Harriett Wieder	1,000	June 1, 1988
	505	June 2, 1988
Tom Campbell	4,999	June 2, 1988

the $1,000 contribution to the Wieder Committee to be an earmarked contribution from Mr. Reinsch. Id. at 3-11.

In his initial response, Richard Reinsch also claimed that his $1,000 check to the Committee was designated for the Wieder Committee. See Attachment C at 2. In support of his claim, he produced a copy of a letter, dated May 4, 1988, which accompanied his $1,000 contribution earmarked for Harriett Wieder's campaign. Id. at 4. That letter explicitly instructed the Committee to accept his check and issue a $1,000 check, dated June 1, 1988, payable to the Wieder Committee. Id. During the above-referenced telephone conference, Mr. Reinsch explained that he opted to earmark his contribution to Harriett Wieder in order to increase the visibility of the Committee. He further explained that he instructed the Committee to send its check, dated June 1, 1988, payable to the Wieder Committee, to him so that he could personally present it to Harriett Wieder.

Mr. Reinsch also stated initially that his $2,500 check to the Committee on April 20, 1988, was "designated for the Rosenberg for Congress campaign." See Attachment C at 2. In clarifying this assertion, Mr. Reinsch stated, in his supplemental responses, that this contribution was made to "enable Circl-Pac to support Mr. Rosenberg's efforts to publish additional copies of his book containing his views on various social and political issues . . . ." See Attachment E at 1. See also Attachment D. From the telephone conference, it appears that Mr. Reinsch's friends associated with the Committee solicited his contribution with the expressed purpose that it would be used to publish the

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books in question.

Unlike the contribution to Harriett Wieder, the Committee's responses do not acknowledge Mr. Reinsch's $2,500 contribution as an earmarked contribution to the Nathan Rosenberg for Congress Committee. See Attachment B at 1-2. A review of the Committee's disclosure reports, however, shows that the Committee received Mr. Reinsch's $2,500 contribution on April 20, 1988, and made a subsequent disbursement, on April 21, 1988, to "Ted Long Books" for the same amount. The Committee reported the purpose of its disbursement as: "CAMPAIGN LITERATURE FOR N. ROSENBERG FOR CONGRESS (IN KIND CONTRIBUTION)." In this regard, it should also be noted that Mr. Reinsch's $2,500 check to the Committee included the notation "Ted Long Books." See Attachment C at 6.

B. Excessive Contribution from Richard Reinsch to Log Cabin PAC

With regard to Mr. Reinsch's $7,800 contribution, both Respondents have asserted that the contribution in question was mistakenly deposited into the Committee's federal account. The Committee claims that its treasurer "mistakenly deposited" the $7,800 check into the federal account, "when the funds were intended primarily for the funding of a local campaign." See Attachment A at 1. Mr. Reinsch confirms that the $7,800 check was intended for the Committee's non-federal account and, in support of his position, he has provided a copy of a letter, dated May 9, 1988, which accompanied the check in question. See Attachment C at 2 and 5. The letter states that "[t]his money is for the printing and distribution of some literature for my

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Central Committee campaign in the 70th Assembly District." Id. at 5.[3]

III. ANALYSIS

A. Statement of The Law

The Federal Election Campaign Act of 1971, as amended (the "Act"), permits a contributor to "earmark" or direct his or her contribution to a candidate through an intermediary or conduit. 2 U.S.C. § 441a(a)(8). In 1988, at the time that the contributions in this matter were made, the Commission's regulations defined earmarking as:

> a designation, instruction, or encumbrance (including those which are direct or indirect, express or implied, oral or written) which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee.

11 C.F.R. § 110.6(b) (1988).

An earmarked contribution is considered to have been made by the original contributor and will be applied against that contributor's contribution limitations unless the intermediary or conduit of a contribution exercises direction or control over the choice of the intended recipient. 2 U.S.C. § 441a(a)(8); 11 C.F.R. §§ 110.6(a) and (d) (1988). In such cases, the contribution is considered to have been made by both the original contributor and the intermediary and the contribution will count against both of their respective contribution limitations.

---

3. This statement apparently relates to the fact that Mr. Reinsch was a state candidate for Republican County Central Committee in the 70th Assembly District in Orange County, California. See Attachment A at 1-2.

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11 C.F.R. § 110.6(d).

When earmarked contributions are passed through an intermediary or conduit, the Act and the Commission's regulations impose various requirements upon the intermediary or conduit. First, the conduit must forward the earmarked contribution to the intended recipient within ten (10) days after receipt from the original contributor. 11 C.F.R. § 102.8. Second, with regard to reporting obligations, the conduit must report the original source and the intended recipient of an earmarked contribution in the next regularly scheduled report as well as in a special report that shall be sent to the recipient at the time that the earmarked contribution is passed along. 2 U.S.C. § 441a(a)(8); 11 C.F.R. § 110.6(c) (1988).

With regard to these reports, the conduit must provide the following information: the name and mailing address of the original contributor and, for each contribution in excess of $200, the contributor's occupation and the name of his or her employer; the amount of the earmarked contribution; the date the conduit received the contribution; the name of the intended recipient; and date the contribution was passed on to the recipient as well as whether the contribution was passed on in cash, by the contributors check, or by the conduit's check. 11 C.F.R. §§ 110.6(c)(4)(i-iii) (1988).

Committees which finance political activity in connection with both federal and nonfederal elections may, under the Commission's regulations, establish separate federal and nonfederal accounts. 11 C.F.R. § 102.5(a). However, a committee

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with separate federal and nonfederal accounts may deposit into its federal account only those contributions which are designated for its federal account and comply with the requirements of the Act. Id.

Under Section 441a(a)(1)(A) of Act, it is unlawful for any person to make contributions to any candidate and his or her authorized committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. It is also unlawful for any person to make contributions to any other political committees, which are not maintained by a national party, in any calendar year which, in the aggregate, exceed $5,000. 2 U.S.C. § 441a(a)(1)(C). The term person includes a political committee but, for the purposes of Section 441a(a)(1)(A), does not include multicandidate political committees which are subject to separate contribution limitations under the Act. 2 U.S.C. § 431(11).

B. Analysis

Based upon the information obtained through discovery, it appears that the Committee failed to properly designate and report Richard Reinsch's contributions to the Rosenberg and Wieder Committees as earmarked contributions. While the Committee admits that it failed to properly designate Richard Reinsch's $1,000 contribution to Harriett Wieder as an earmarked contribution, the available evidence indicates that the Committee also failed to properly designate Richard Reinsch's $2,500 contribution to the Rosenberg Committee. Mr. Reinsch stated that he was solicited to support Nathan Rosenberg's campaign and specifically told to do so

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by giving to the Committee. Moreover, a review of disclosure reports shows that the Committee apparently used Mr. Reinsch's check to make an in-kind contribution to the Rosenberg Committee by purchasing "campaign literature" from "Ted Long Books," which was the designation written on Mr. Reinsch's check. In this regard, it appears that Mr. Reinsch gave the Committee a $2,500 check with the expressed intent that the check was "being made to, or expended on behalf of, a clearly identified candidate," for a specific purpose. See 11 C.F.R. § 110.6(b) (1988).

Because Mr. Reinsch's $1,000 and $2,500 contributions to the Wieder and Rosenberg Committees were not properly designated as earmarked contributions, this Office recommends that the Commission find reason to believe that Log Cabin PAC and Micheal R. Tripp, as treasurer, violated 2 U.S.C. § 441a(a)(8) and 11 C.F.R. § 110.6(c). Additionally, since the Committee received Richard Reinsch's contribution to the Wieder Committee on May 4, 1988, but failed to pass this contribution along within ten days as required by Commission regulations, this Office recommends that the Commission find reason to believe that Log Cabin PAC and Micheal R. Tripp, as treasurer, violated 11 C.F.R. § 102.8.

Initially, it appeared that Richard Reinsch made three contributions to the Committee for $2,500, $1,000 and $7,800 on April 20, 1988, May 4, 1988 and May 9, 1988, respectively. Accordingly, the Commission found reason to believe that Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(C). As a result of the investigation, however, it now appears that two of those contributions were earmarked contributions while the other was

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intended as a contribution to the Committee's nonfederal account. Since the provisions of 11 C.F.R. § 110.6 direct that earmarked contributions be applied towards the Section 441a limits of the original contributor and not the conduit, it would be more appropriate to find reason to believe that Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(A) and take no further action with regard to the violation of 2 U.S.C. § 441a(a)(1)(C).[4]

Similarly, since it initially appeared that the Committee accepted contributions from Mr. Reinsch which aggregated in excess of the Act's contribution limitations, the Commission also found reason to believe that Log Cabin PAC and Micheal R. Tripp, as treasurer, violated 2 U.S.C. § 441a(f). As noted above, two of the contributions upon which the Commission based this determination were actually earmarked contributions while the other was never intended for the Committee's federal account. With regard to the misdeposited $7,800 contribution, the Committee, on May 10, 1988, and on September 30, 1988, transferred $5,000 and $1,300, respectively, to its non-federal account apparently in an effort to correct this depositing error. The Committee's corrective action does not, however, vitiate the initial misdeposit, although it will be taken into consideration as a mitigating factor in conciliation. Given the foregoing, it would be more appropriate for the Commission to find reason to believe that the Committee violated 11 C.F.R. § 102.5(a), by

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4. In addition to his $2,500 earmarked contribution to the Rosenberg Committee, a review of Disclosure Reports reveals that Mr. Reinsch also made a $1,000 contribution directly to the Rosenberg Committee on December 17, 1987.

depositing funds intended for the nonfederal account into its federal account, and take no further action with regard to the Section 441a(f) violation.

IV. **DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY**

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V. **RECOMMENDATIONS**

1. Find reason to believe that Log Cabin PAC and Micheal R. Tripp, as treasurer, violated 2 U.S.C. § 441a(a)(8) and 11 C.F.R. §§ 110.6(c), 102.5(a) and 102.8 and take no further action with regard to the violation of 2 U.S.C. § 441a(f).

2. Find reason to believe that Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(A) and take no further action with regard to the violation of 2 U.S.C. § 441a(a)(1)(C).

3. Enter into conciliation with Log Cabin PAC and Micheal R. Tripp, as treasurer, prior to a finding of probable cause to believe.

4. Approve the attached proposed pre-probable cause

conciliation agreement, proposed factual and legal analyses and the appropriate letters.

Lawrence M. Noble
General Counsel

Date 12/10/90 BY: Lois G. Lerner
Associate General Counsel

Attachments
A. Response of the Committee
B. Supplemental Response of the Committee
C. Response of the Richard Reinsch
D. First Supplemental Response of Richard Reinsch
E. Second Supplemental Response of Richard Reinsch
F. Proposed Pre-Probable Cause Conciliation Agreement
G. Proposed Factual and Legal Analyses

Staff assigned: Craig Douglas Reffner

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS
COMMISSION SECRETARY

DATE: DECEMBER 14, 1990

SUBJECT: MUR 3022 - WITHDRAWAL & RECIRCULATION OF GENERAL COUNSEL'S REPORT DATED DECEMBER 10, 1990.

The above-captioned document was circulated to the Commission on TUESDAY, DECEMBER 11, 1990 at 11:00 a.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	XXX
Commissioner Elliott	XXX
Commissioner Josefiak	XXX
Commissioner McDonald	
Commissioner McGarry	XXX
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda for TUESDAY, DECEMBER 18, 1990.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3022
Log Cabin PAC (f/k/a Californians for Individual Rights and Civil Liberties) and Micheal R. Tripp, as treasurer; Richard M. Reinsch.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on December 18, 1990, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3022:

1. Find reason to believe that Log Cabin PAC and Micheal R. Tripp, as treasurer, violated 2 U.S.C. § 441a(a)(8) and 11 C.F.R. §§ 110.6(c), 102.5(a) and 102.8 and take no further action with regard to the violation of 2 U.S.C. § 441a(f).

2. Find reason to believe that Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(A) and take no further action with regard to the violation of 2 U.S.C. § 441a(a)(1)(C).

3. Enter into conciliation with Log Cabin PAC and Micheal R. Tripp, as treasurer, prior to a finding of probable cause to believe.

(continued)

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4. Approve the proposed pre-probable cause conciliation agreement, proposed factual and legal analyses, and the appropriate letters as recommended in the General Counsel' report dated December 10, 1990.

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

Attest:

12-21-90
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 8, 1991

Cary Davidson, Esq.
Reed & Davidson
550 South Flower Street, 7th Floor
Los Angeles, California 90071

RE: MUR 3022
Richard M. Reinsch

Dear Mr. Davidson:

On January 11, 1990, the Federal Election Commission found that there is reason to believe that your client, Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(C). Subsequently, on December 18, 1990, the Commission also found reason to believe that your client violated 2 U.S.C. § 441a(a)(1)(A) and determined to take no action with regard to the violation of 2 U.S.C. § 441a(a)(1)(C). 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 your client. 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 your client, 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 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.

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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 Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Factual and Legal Analysis
Procedures

cc: Sindee M. Smolowitz, Esq.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Richard M. Reinsch MUR: 3022

I. STATEMENT OF THE LAW

The Federal Election Campaign Act of 1971, as amended (the "Act"), permits a contributor to "earmark" or direct his or her contribution to a candidate through an intermediary or conduit. 2 U.S.C. § 441a(a)(8). In 1988 the Commission's regulations defined earmarking as:

> a designation, instruction, or encumbrance (including those which are direct or indirect, express or implied, oral or written) which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee.

11 C.F.R. § 110.6(b) (1988).

An earmarked contribution is considered to have been made by the original contributor and will be applied against that contributor's contribution limitations unless the intermediary or conduit of a contribution exercises direction or control over the choice of the intended recipient. 2 U.S.C. § 441a(a)(8); 11 C.F.R. §§ 110.6(a) and (d) (1988). In such cases, the contribution is considered to have been made by both the original contributor and the intermediary and the contribution will count against both of their respective contribution limitations. 11 C.F.R. § 110.6(d).

Pursuant to the contribution limitations of Section 441a(a)(1)(A) of Act, it is unlawful for any person to make

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contributions to any candidate and his or her authorized committees with respect to any election for Federal office which, in the aggregate, exceed $1,000. It is also unlawful for any person to make contributions to any other political committees, which are not maintained by a national party, in any calendar year which, in the aggregate, exceed $5,000. 2 U.S.C. § 441a(a)(1)(C).

II. FACTUAL BACKGROUND AND LEGAL ANALYSIS

On January 11, 1990, the Federal Election Commission (the "Commission") found reason to believe that Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(C) in connection with three of his contributions to Log Cabin PAC (the "Committee")[1] which aggregated in excess of the Act's contribution limitations.

Based upon the information obtained through discovery, it appears that Richard Reinsch's $1,000 and $2,500 contributions to the Committee were earmarked for two Federal candidate committees, the Friends of Harriett Wieder (the "Wieder Committee") and the Nathan Rosenberg for Congress Committee (the "Rosenberg Committee"), respectively. Mr. Reinsch and the Committee both acknowledge that his $1,000 contribution of May 4, 1988, was designated for the Wieder Committee. The available evidence further indicates that Mr. Reinsch's $2,500 contribution of April 20, 1988, was made for the specific purpose of benefiting the Rosenberg Committee. Mr. Reinsch

1. At the time the Commission's finding on January 11, 1990, Log Cabin PAC was operating under the name of Californians for Individual Rights and Civil Liberties.

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stated that he was solicited to support Nathan Rosenberg's campaign and specifically told to do so by giving to the Committee. Moreover, a review of disclosure reports shows that the Committee apparently used Mr. Reinsch's check to make an in-kind contribution to the Rosenberg Committee by purchasing "campaign literature" from "Ted Long Books," which was the designation written on Mr. Reinsch's check. In this regard, it appears that Mr. Reinsch gave the Committee a $2,500 check with the expressed intent that the check was "being made to, or expended on behalf of, a clearly identified candidate," for a specific purpose. See C.F.R. § 110.6(b) (1988).

With respect to Richard Reinsch's earmarked contribution checks, it does not appear that the Committee exercised any control in determining who would receive the contributions, how much they would receive or when the contributions would be sent. Since the provisions of 11 C.F.R. § 110.6 direct that earmarked contributions be applied towards the Section 441a limits of the original contributor and not the conduit in such instances, it appears that Richard Reinsch made contributions to the Rosenberg Committee in the amount of $2,500 and to the Wieder Committee in the amount of $1,000. In addition to these contributions, a review of Disclosure Reports reveals that Mr. Reinsch earlier made a $1,000 contribution directly to the Rosenberg Committee on December 17, 1987. As noted above, under 2 U.S.C. § 441a(a)(1)(A), it is unlawful for any person to make contributions to any candidate and his or her authorized committees with respect to any election for Federal office

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which, in the aggregate, exceed $1,000. In light of the fact that his contributions to the Rosenberg Committee aggregate in excess of $1,000, there is reason to believe Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(A).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 8, 1991

James R. Baird, Esq.
2791 La Castana Drive
Los Angeles, California 90046

RE: MUR 3022
Log Cabin PAC and
Micheal R. Tripp, as treasurer

Dear Mr. Baird:

On January 11, 1990, the Federal Election Commission found reason to believe that your clients, Log Cabin PAC (f/k/a Californians for Individual Rights and Civil Liberties) and Micheal R. Tripp, as treasurer, violated 2 U.S.C. §§ 441a(f), 441a(a)(1)(A), 441b(a) and 11 C.F.R. § 102.5(a) but determined to take no further action as to the violations of 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a). Subsequently, on December 18, 1990, the Commission found reason to believe that your clients violated 2 U.S.C. § 441a(a)(8) and 11 C.F.R. §§ 110.6(c), 102.5(a) and 102.8 and also determined to take no action with regard to the violation of 2 U.S.C. § 441a(f). At your request, on December 18, 1990, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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

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

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agreement, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Factual and Legal Analysis
Agreement

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Log Cabin PAC (f/k/a) Californians for Individual Rights and Civil Liberties and Micheal R. Tripp, as treasurer

MUR: 3022

I. STATEMENT OF THE LAW

The Federal Election Campaign Act of 1971, as amended (the "Act"), permits a contributor to "earmark" or direct his or her contribution to a candidate through an intermediary or conduit. 2 U.S.C. § 441a(a)(8). In 1988 the Commission's regulations defined earmarking as:

> a designation, instruction, or encumbrance (including those which are direct or indirect, express or implied, oral or written) which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee.

11 C.F.R. § 110.6(b) (1988).

When earmarked contributions are passed through an intermediary or conduit, the Act and the Commission's regulations impose various requirements upon the intermediary or conduit. First, the conduit must forward the earmarked contribution to the intended recipient within ten (10) days after receipt from the original contributor. 11 C.F.R. § 102.8. Second, with regard to reporting obligations, the conduit must report the original source and the intended recipient of an earmarked contribution in the next regularly scheduled report as well as in a special report that shall be sent to the recipient at the time that the earmarked

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contribution is passed along. 2 U.S.C. § 441a(a)(8); 11 C.F.R. § 110.6(c) (1988).

With regard to these reports, the conduit must provide the following information: the name and mailing address of the original contributor and, for each contribution in excess of $200, the contributor's occupation and the name of his or her employer; the amount of the earmarked contribution; the date the conduit received the contribution; the name of the intended recipient; and date the contribution was passed on to the recipient as well as whether the contribution was passed on in cash, by the contributors check, or by the conduit's check. 11 C.F.R. §§ 110.6(c)(4)(i-iii) (1988).

Committees which finance political activity in connection with both federal and nonfederal elections may, under the Commission's regulations, establish separate federal and nonfederal accounts. 11 C.F.R. § 102.5(a). However, a committee with separate federal and nonfederal accounts may deposit into its federal account only those contributions which are designated for its federal account and comply with the requirements of the Act. Id.

II. FACTUAL BACKGROUND AND LEGAL ANALYSIS

On January 11, 1990, the Commission found reason to believe, inter alia, that Log Cabin PAC and Micheal R. Tripp, as treasurer, (collectively known as the "Committee")[1] violated 2 U.S.C. § 441a(f), by accepting three contributions from Richard M. Reinsch which aggregated in excess of the Act's

1. At the time of the Commission's finding on January 11, 1990, Log Cabin PAC was operating under the name of Californians For Individual Rights and Civil Liberties.

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contribution limits.

Based upon the information obtained through discovery, it appears that the Committee failed to properly designate and report Richard Reinsch's $2,500 and $1,000 contributions to the Nathan Rosenberg for Congress Committee (the "Rosenberg Committee") and the Friends of Harriett Wieder (the "Wieder Committee"), respectively, as earmarked contributions. While the Committee admits that it failed to properly designate Richard Reinsch's $1,000 contribution of May 4, 1988, to Harriett Wieder as an earmarked contribution, the available evidence indicates that the Committee also failed to properly designate Richard Reinsch's $2,500 contribution of April 20, 1988, to the Rosenberg Committee. It appears Mr. Reinsch was solicited to support Nathan Rosenberg's campaign and specifically told to do so by giving to the Committee. Moreover, a review of disclosure reports shows that the Committee apparently used Mr. Reinsch's check to make an in-kind contribution to the Rosenberg Committee by purchasing "campaign literature" from "Ted Long Books," which was the designation written on Mr. Reinsch's check. In this regard, it appears that Mr. Reinsch gave the Committee a $2,500 check with the expressed intent that the check was "being made to, or expended on behalf of, a clearly identified candidate," for a specific purpose. See C.F.R. § 110.6(b) (1988).

Because Mr. Reinsch's $1,000 and $2,500 contributions to the Wieder and Rosenberg Committees were not properly designated as earmarked contributions, there is reason to believe that Log Cabin PAC and Micheal R. Tripp, as treasurer, violated 2 U.S.C.

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§ 441a(a)(8) and 11 C.F.R. § 110.6(c). Additionally, since the Committee received Richard Reinsch's contribution to the Wieder Committee on May 4, 1988, but failed to pass this contribution along until June 1, 1988, within ten days as required by Commission regulations, there is reason to believe that Log Cabin PAC and Micheal R. Tripp, as treasurer, violated 11 C.F.R. § 102.8.

Finally, with regard to Mr. Reinsch's $7,800 contribution of May 9, 1988, it appears that Mr. Reinsch intended the funds to be deposited into the Committee's nonfederal account and that the Committee misdeposited these funds into its federal account in violation of 11 C.F.R. § 102.5(a). The Committee subsequently transferred funds, in excess of $7,800, to its nonfederal account apparently to correct this mistake. The Committee's corrective action does not, however, vitiate the initial misdeposit. Therefore, there is reason to believe that the Committee violated 11 C.F.R. § 102.5(a) by depositing funds intended for the nonfederal account into its federal account.

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REED & DAVIDSON
ATTORNEYS AT LAW
550 SOUTH FLOWER STREET, 7TH FLOOR
LOS ANGELES, CALIFORNIA 90071
TELEPHONE (213) 624-6200
FACSIMILE (213) 623-1692

DANA W. REED
CARY DAVIDSON
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DARRYL R. WOLD
OF COUNSEL

ORANGE COUNTY OFFICE
3151 AIRWAY AVENUE, SUITE M-1
COSTA MESA, CALIFORNIA 92626
TELEPHONE (714) 641-1688
FACSIMILE (714) 546-1003

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 FEB -1 PM 2:53

January 29, 1991

Craig Douglas Reffner, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3022/Richard M. Reinsch

Dear Craig:

Enclosed is our response on behalf of Richard M. Reinsch to the Commission's January 8, 1991 letter. The letter demonstrates that no action should be taken against Mr. Reinsch, and alternatively, requests pre-probable cause conciliation.

If we may provide any additional information, please feel free to contact us.

Very truly yours,

Brad

Bradley W. Hertz

Enclosure

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MAIL ROOM

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January 29, 1991

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3022/Richard M. Reinsch

Dear Mr. Noble:

This letter responds to the Commission's January 8, 1991 letter, received on January 14, 1991 regarding Richard M. Reinsch, and is written pursuant to 2 U.S.C. Section 437g(a)(1) and 11 CFR Section 111.6(a) to demonstrate that no action should be taken against Mr. Reinsch. By this letter, we also request pre-probable cause conciliation, pursuant to 11 CFR Section 111.18(d), in the event the Commission decides to take further action on this matter.

According to the Commission's letter, Mr. Reinsch is alleged to have violated only 2 U.S.C. Section 441a(a)(1)(A). This section of the Federal Election Campaign Act ("FECA") limits an individual's contribution to any candidate and his authorized committees to $1,000 with respect to any election for Federal office. Consistent with this provision, Mr. Reinsch contributed $1,000 on or about December 17, 1987 directly to the Nathan Rosenberg for Congress Committee. This was the only contribution which Mr. Reinsch knowingly made to the Rosenberg campaign.

On or about April 20, 1988, Mr. Reinsch contributed $2,500 to Californians for Individual Rights and Civil Liberties ("CIRCL-PAC") for educational purposes, to help CIRCL-PAC pay Ted Long Books for the publication of a book regarding Nathan Rosenberg. Mr. Reinsch did not consider this payment to be a contribution to the Rosenberg campaign, as he stated in his telephone deposition, conducted by Lisa Klein and Craig Reffner of your office on July 26, 1990:

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> "My understanding at the time, when I wrote the check regarding the publication of the book, I wasn't thinking that it was a political contribution. I thought that was something outside, that was something educational.... It [the contribution] is now being construed [by the Commission] as something other than I understood it to be at the time."

It is clear from Mr. Reinsch's testimony that he was unfamiliar with the intricate details of the Federal Election Campaign Act and with the legal meaning or significance of "earmarking." Mr. Reinsch did not intend nor did he know that his $2,500 contribution to CIRCL-PAC would be construed to be a contribution to Rosenberg for Congress. What is also clear, as shown below, is that regardless of whether there was a technical violation, no harm was done because Rosenberg for Congress returned the money to CIRCL-PAC prior to any FEC action on the matter.

On or about December 22, 1988, Rosenberg for Congress refunded $3,005 (plus $3.15 interest) to CIRCL-PAC, as a "refund of overpaid contribution." (See attached CIRCL-PAC Schedule A). This $3,005 included the $2,500 which was Mr. Reinsch's alleged earmarked contribution to Rosenberg for Congress. (It also included $505 of a $1,505 CIRCL-PAC contribution to Rosenberg for Congress).

According to the Regulations, earmarking is:

> "a designation, instruction, or encumbrance which results in all or part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee."
> 11 CFR Section 110.6(b) (1988) (emphasis added).

With the Rosenberg for Congress' return of the $2,500 to CIRCL-PAC, Mr. Reinsch's contribution to CIRCL-PAC did not "result in a contribution being made to, or expended on behalf of" Rosenberg for Congress. Thus, even if Mr. Reinsch's $2,500 contribution to CIRCL-PAC was unintentionally "earmarked," it ultimately could not have been earmarked, because it was returned to CIRCL-PAC for CIRCL-PAC's use at its sole discretion.

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Any violation which may have been inadvertently caused by Mr. Reinsch's $2,500 contribution to CIRCL-PAC was wholly mitigated. Once Rosenberg for Congress returned the money to CIRCL-PAC, Mr. Reinsch had no direction or control over the money whatsoever. Whatever happened with the money thereafter was within the sole discretion of CIRCL-PAC, and was not made with Mr. Reinsch's knowledge or approval.

As set forth above, Mr. Reinsch did not know or understand that he was making what could be construed as an earmarked contribution to Rosenberg for Congress, and did not knowingly or willfully violate the FECA. Even if Mr. Reinsch inadvertently made an earmarked contribution, any violation that may have occurred was mitigated by Rosenberg for Congress' refund of the money to CIRCL-PAC, prior to the time this FEC matter began. Accordingly, there is no reason for the Commission to take any action against Mr. Reinsch in this matter, and it should therefore close its file. If we may provide any additional information, please feel free to contact us.

Sincerely,

Cary Davidson

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed this 27 day of January, 1991 at Laguna Beach, California.

Richard M. Reinsch

9104037147 3

SCHEDULE A — ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 2

FOR LINE NUMBER: 16

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): CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date > $		
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date > $		
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date > $		
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date > $		
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date > $		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date > $		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	Aggregate Year-to-Date > $		

SUBTOTAL of Receipts This Page (optional) . . . . . .

TOTAL This Period (last page this line number only) . . . . PLEASE SEE ATTACHED STATEMENT . . . 3005.00

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PAGE 2 OF 2
FOR LINE 16

CALIFORNIANS FOR INDIVIDUAL RIGHTS & CIVIL LIBERTIES C00206128
Itemized Receipts
December 1, 1988 to December 31, 1988

Name, Address & Zip	Employer/Occupation	Date	Amount Received	Cumulative Total
Nathan Rosenberg for Congress 3907 Park Grange Corona del Mar, CA 92625				
Refund of overpaid contribution ID # C 00204526		12/22/88	$3,005.00	$3,005.00
Total Received			$3,005.00	
Interest income			$3.15	
Total Receipts			$3,008.15	

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

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BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of	)	
	)	MUR 3022
Log Cabin PAC and	)	
Micheal R. Tripp, as treasurer	)	
	)	
Richard M. Reinsch	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 11, 1990, the Commission found reason to believe, inter alia, that Log Cabin PAC and Micheal R. Tripp, as treasurer (collectively known as the "Committee"), violated 2 U.S.C. § 441a(f) and that Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(C). The Commission's findings focused on three (3) contributions made by Mr. Reinsch to the Committee, in the amounts of $1,000, $2,500 and $7,500. Subsequently, information was produced indicating that the Mr. Reinsch's contributions of $1,000 and $2,500 actually were earmarked contributions to Harriett Wieder and Nathan Rosenberg, respectively, and that the Committee failed to report them as such. Since Richard Reinsch had previously contributed $1,000 directly to Nathan Rosenberg, this resulted in an excessive contribution to Nathan Rosenberg from Mr. Reinsch in the amount of $2,500.

In light of this additional information, the Commission, on December 18, 1990, found reason to believe that the Committee violated 2 U.S.C. § 441a(a)(8) and 11 C.F.R. § 110.6(c) and that Richard M. Reinsch violated 2 U.S.C. § 441a(a)(1)(A). The Commission also determined to take no further action with regard to the Section 441a(a)(1)(C) reason-to-believe finding against

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Mr. Reinsch. Additionally, on that same date, the Commission determined to enter into pre-probable cause conciliation with the Committee and approved a proposed conciliation agreement.

On January 29, 1991, a response was received from counsel for Mr. Reinsch requesting that the Commission take no further action concerning the Section 441a(a)(1)(A) violation and close the file or, in the alternative, enter into pre-probable cause conciliation. Attachment A. Thereafter, on April 10, 1991, this Office received a signed conciliation agreement from the Committee. Attachment C.

II. ANALYSIS

In his latest response, Mr. Reinsch asserts that the only contribution he knowingly made to Nathan Rosenberg's campaign was for $1,000 on December 17, 1987. He further asserts that he is unfamiliar with the "legal meaning or significance of 'earmarking'" and "did not intend nor did he know that his $2,500 contribution to CIRCL-PAC [Log Cabin PAC] would be construed to be a contribution to Rosenberg for Congress." Attachment A at 2. He does, however, acknowledge that he made the $2,500 contribution to help the Committee pay for the publication of a book about Mr. Rosenberg. Id. Mr. Reinsch further argues that regardless of whether there was a violation, "no harm was done because Rosenberg for Congress returned the money to CIRCL-PAC [Log Cabin PAC] prior to any FEC action in this matter." Id. Finally, Mr. Reinsch argues that any violation which arose from his contribution was "wholly mitigated" because he "had no direction or control" over the

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contribution after it was refunded. Id. at 3.

Regardless of his asserted unfamiliarity with the "legal meaning" of earmarking, the available information clearly establishes that Mr. Reinsch's $2,500 contribution was earmarked for the Rosenberg campaign. Mr. Reinsch previously identified his contribution as being "designated for Rosenberg for Congress Campaign (Federal)" and he has continuously explained that his contribution "was made to enable Circl-Pac [Log Cabin PAC] to support Mr. Rosenberg's efforts to publish additional copies of a book containing his views on various social and political issues for distribution to the general public." See Richard M. Reinsch's Responses dated January 29, 1991, June 5, 1990 and February 13, 1990. See also General Counsel's Report dated December 12, 1990 at 7-8.

Although a review of Commission materials shows that Mr. Reinsch's contribution was refunded to the Committee, the return of the contribution as well as his purported lack of control over the funds after they were returned would not "wholly mitigate" his violation of Section 441a(a), as he so contends. First, Mr. Reinsch's assertion that his contribution was "not made to, or expended on behalf of" Nathan Rosenberg because it was refunded is factually inaccurate. A review of Commission materials shows that while his contribution was refunded on December 22, 1988, it was subsequently resubmitted to the Rosenberg Committee on December 28, 1988, and to date,

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remains outstanding.[1] Moreover, it does not appear that the $2,500 was refunded to account for Mr. Reinsch's apparent violation of Section 441a(a). Rather, the refund appears to account for Log Cabin PAC's excessive contribution to Rosenberg since Log Cabin PAC did not yet qualify for multi-candidate committee status when it initially sent Richard Reinsch's undisclosed earmarked contribution to the Rosenberg Committee.[2] Finally, Mr. Reinsch's purported lack of "control" over the contribution after it was refunded is irrelevant to assessing his intent at the time he delivered the $2,500 contribution to the Committee and would not "wholly mitigate" the fact that the contribution was excessive at the time it was made. Accordingly, this Office recommends that the Commission reject Mr. Reinsch's request to take no further action and close the file.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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1. The available evidence shows that Mr. Reinsch's contribution was made on April 20, 1988 and refunded 246 days later on December 22, 1988. Assuming that 11 C.F.R. § 103.3(b), which permits excessive contributions to be redesignated, reattributed and/or refunded within sixty (60) days, were applicable to the matter at hand, the refund of Mr. Reinsch's contribution occurred well beyond the specified 60 day period.

2. A review of Commission materials shows that Log Cabin PAC qualified as a multi-candidate political committee on September 30, 1988.

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IV. RECOMMENDATIONS

1. Reject Richard Reinsch's request to take no further action and close the file.

2. Accept Richard Reinsch's request to enter into pre-probable cause conciliation and approve the attached proposed conciliation agreement.

3. Accept the attached conciliation agreement with Log Cabin PAC and Micheal R. Tripp, as treasurer.

4. Close the file as to Log Cabin PAC and Micheal R. Tripp, as treasurer.

5. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date 5/29/91

BY: LGL
Lois G. Lerner
Associate General Counsel

Attachments
A. Response of Richard Reinsch
B. Proposed conciliation agreement for Richard Reinsch
C. Signed conciliation agreement from the Committee
D. Photocopies of civil penalty checks

Staff Assigned: Craig Douglas Reffner

91040871482

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNA ROACH DR
COMMISSION SECRETARY

DATE: JUNE 3, 1991

SUBJECT: MUR 3022 - GENERAL COUNSEL'S REPORT
DATED MAY 29, 1991

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The above-captioned document was circulated to the Commission on THURSDAY, MAY 30, 1991 at 11:00 A.M.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	
Commissioner Elliott	XXX
Commissioner Josefiak	XXX
Commissioner McDonald	
Commissioner McGarry	
Commissioner Thomas	

This matter will be placed on the meeting agenda for TUESDAY, JUNE 11, 1991.

Please notify us who will represent your Division before the Commission on this matter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Log Cabin PAC and Micheal R. Tripp, as treasurer; Richard M. Reinsch.	)	MUR 3022

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 11, 1991, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3022:

1. Reject Richard Reinsch's request to take no further action and close the file.

2. Accept Richard Reinsch's request to enter into pre-probable cause conciliation and approve the proposed conciliation agreement as recommended in the General Counsel's report dated May 29, 1991.

3. Accept the conciliation agreement with Log Cabin PAC and Micheal R. Tripp, as treasurer, as recommended in the General Counsel's report dated May 29, 1991.

(continued)

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4. Close the file as to Log Cabin PAC and Micheal R. Tripp, as treasurer.

5. Approve the appropriate letters as recommended in the General Counsel's report dated May 29, 1991.

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

Attest:

6-13-91
Date

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

91040871485

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1991

Cary Davidson, Esq.
Reed & Davidson
550 South Flower Street, 7th Floor
Los Angeles, California 90071

RE: MUR 3022
Richard M. Reinsch

9104087148 6

Dear Mr. Davidson:

On January 8, 1991, your were notified that the Federal Election Commission found reason to believe that your client violated 2 U.S.C. § 441a(a)(1)(A).

On January 29, 1991, you submitted a response to the Commission's finding of reason to believe and requested that the Commission take no further action or in the alternative enter into conciliation. On June 11, 1991, the Commission denied your request to take no further action and determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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

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

contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

cc: Sindee M. Smolowitz, Esq.

91040371487

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1991

James R. Baird, Esq.
2791 La Castana Drive
Los Angeles, California 90046

RE: MUR 3022
Log Cabin PAC and
Micheal R. Tripp, as treasurer

Dear Mr. Baird:

On June 11, 1991, 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. §§ 441a(a)(1)(A) and 441a(a)(8), provisions of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. §§ 110.6(c), 102.8 and 102.5, provisions of the Commission's regulations. Accordingly, the file has been closed in this matter as it pertains to your clients.

This matter will become a part of the public record within 30 days after it has been closed with respect to all other respondents involved. 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.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

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Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Log Cabin PAC (f/k/a	)	MUR 3022
Californians for Individual Rights	)	
and Civil Liberties and	)	
Micheal R. Tripp, as treasurer,	)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Log Cabin PAC, f/k/a Californians for Individual Rights and Civil Liberties, and Micheal R. Tripp, as treasurer (the "Respondents") violated 2 U.S.C. §§ 441a(a)(8) and 441a(a)(1)(A) and 11 C.F.R. §§ 102.8, 102.5(a) and 110.6(c).

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

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

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

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

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

1. Log Cabin PAC is a political committee within the meaning of 2 U.S.C. § 431(4). During the time in question Log Cabin PAC did not qualify as a multicandidate political committee within the meaning of 2 U.S.C. § 441a(a)(4).

2. Micheal R. Tripp is the treasurer of Log Cabin PAC.

3. Pursuant to 2 U.S.C. § 441a(a)(1)(A), it is unlawful for a political committee other than a multicandidate political committee to make contributions to any candidate and his authorized committees with respect to any election for Federal office which, in the aggregate, exceed $1,000.

4. Pursuant to 2 U.S.C. § 441a(a)(8), an individual may direct his or her contribution to a candidate through an intermediary or conduit. Such a contribution is known as an earmarked contribution and the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

5. If a conduit or or intermediary exercises any direction or control over the choice of the recipient candidate, the earmarked contribution shall be considered a contribution by both the original contributor and the conduit or intermediary. 11 C.F.R. § 110.6 (d).

6. Commission regulations further impose specific reporting obligations upon the intermediary or conduit of an earmarked contribution:

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a) the conduit must disclose the earmarked contribution on the next regularly scheduled report and must also disclose the earmarked contribution in a special report to the intended recipient;

b) the conduit must indicate in the next regularly scheduled report, whether the earmarked contribution was passed through the conduit's account; and

c) the conduit must state in both the next regularly scheduled report and the special report to the intended recipient the name and mailing address of the original contributor and, for each earmarked contribution in excess of $200, the contributor's occupation and the name of his or her employer; the amount of the earmarked contribution; the date the contribution was received by the conduit; the name of the intended recipient of the contribution and the date that the contribution was forwarded to the recipient. See 11 C.F.R. § 110.6(c) (1988).

7. If the conduit or intermediary exercises any direction or control over the choice of the recipient candidate, the report filed by the conduit or intermediary shall indicate that the earmarked contribution is made by both the original contributor and the conduit or intermediary, and that the entire amount of the contribution is attributed to each. 11 C.F.R. § 110.6(d).

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8. The conduit shall forward the earmarked contribution and the special report to the intended recipient within ten (10) days after receipt from the original contributor. 11 C.F.R. § 102.8.

9. Committees which finance political activity in connection with both federal and nonfederal elections may, under the Commission's regulations, establish separate federal and nonfederal accounts. 11 C.F.R. § 102.5(a). However, a committee with separate federal and nonfederal accounts may deposit into its federal account only those contributions which are designated for its federal account and comply with the requirements of the Act. Id.

10. On April 20, 1988, the Respondents accepted a $2,500 contribution from Richard Reinsch which was earmarked for Nathan Rosenberg for Congress. On April 21, 1988, the Respondents used this earmarked contribution to purchase campaign literature from Ted Long Books on behalf of the Nathan Rosenberg for Congress Committee.

11. On April 24, 1988, the Respondents made an additional $,505 contribution to Nathan Rosenberg for Congress.

12. On December 22, 1988, Nathan Rosenberg for Congress refunded $3,005 of the Respondents' contributions. On December 28. 1988, after Log Cabin PAC achieved multi-candidate committee status, Respondents contributed the previously refunded $3,005 to Nathan Rosenberg for Congress.

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13. On May 4, 1988, the Respondents accepted a $1,000 contribution from Richard Reinsch which was earmarked for the Friends of Harriett Wieder. Pursuant to Mr. Reinsch's instructions, the Respondents, on June 1, 1988, issued a $1,000 check payable to the Friends of Harriett Wieder from the Committee's account.

14. On June 2, 1988, the Respondents made a $4,999 contribution to Tom Campbell for Congress.

15. On May 9, 1988, the Respondents accepted and deposited into the Committee's federal account a $7,800 check from Richard Reinsch. The check was designated for the Committee's nonfederal account.

V. 1. Respondents violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to Nathan Rosenberg for Congress and to Tom Campbell for Congress.

2. Respondents failed to properly designate and report Richard Reinsch's contributions to the Friends of Harriett Wieder and Nathan Rosenberg for Congress as earmarked contributions in violation of 2 U.S.C. § 441a(a)(8) and 11 C.F.R. § 110.6(c).

3. Respondents failed to forward Richard Reinsch's $1,000 contribution earmarked for the Friends of Harriett Wieder within ten (10) days after receiving it from Richard Reinsch in violation of 11 C.F.R. § 102.8.

4. Respondents deposited funds designated for the Committee's nonfederal account into the Committee's federal account in violation of 11 C.F.R. § 102.5(a).

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VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand and seven hundred dollars ($1,700.00), pursuant to 2 U.S.C.§ 437g(a)(5)(A).

VII. Respondents will file an amended report to accurately reflect that Richard Reinsch's $2,500 contribution to Nathan Rosenberg for Congress was an earmarked contribution, attributable to both Mr. Reinsch and Respondent Log Cabin PAC.

VIII. 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.

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

X. 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.

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XI. 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: _____ Date 6/18/91
Lois G. Lerner
Associate General Counsel

FOR THE RESPONDENTS:

_____ Date: April 3, 1991
James R. Baird, Jr.
Counsel for Respondents

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Richard Reinsch) MUR 3022

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

Attached is a conciliation agreement which has been signed by counsel for Richard Reinsch. Attachment A.

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II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Richard Reinsch.

2. Close the file.

3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

8-28-91
Date

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

Attachments
A. Conciliation Agreement
B. Photocopy of civil penalty check

Staff Assigned: Craig Douglas Reffner

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Richard Reinsch.	)	MUR 3022
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 11, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3022:

1. Accept the conciliation agreement with Richard Reinsch, as recommended in the General Counsel's Report dated August 28, 1991.

2. Close the file.

3. Approve the appropriate letters, as recommended in the General Counsel's Report dated August 28, 1991.

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

Attest:

9-11-91
Date

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

Received in the Secretariat: Wed., Aug. 28, 1991 4:26 p.m.
Circulated to the Commission: Thurs., Aug. 29, 1991 11:00 a.m.
Deadline for vote: Wed., Sept. 11, 1991 11:00 a.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1991

San Diego County Log Cabin Club
P. A. Box 3242
San Diego, California 92103

RE: MUR 3022

Dear Sir/Madam:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9104087150 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 1991

James R. Baird, Esq.
2791 La Castana Drive
Los Angeles, California 90046

RE: MUR 3022
Log Cabin PAC and
Micheal R. Tripp, as treasurer

Dear Mr. Baird:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

91040871501

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

September 17, 1991

Cary Davidson, Esq.
Reed & Davidson
550 South Flower Street, 7th Floor
Los Angeles, California 90071

RE: MUR 3022
Richard M. Reinsch

Dear Mr. Davidson:

On September 11, 1991, 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. § 441a(a)(1)(A), 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 Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

cc: Sindee M. Smolowitz, Esq.

91040371502

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3022
Richard M. Reinsch	)	

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 reason to believe that Richard M. Reinsch ("Respondent") violated 2 U.S.C. § 441a(1)(A).

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

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

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

III. Respondent enters voluntarily into this agreement with the Commission.

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

1. Richard M. Reinsch is a "person" within the meaning of 2 U.S.C. § 431(11).

2. Nathan Rosenberg was a candidate in the 1988 primary election for California's Fortieth Congressional District

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and Nathan Rosenberg for Congress was Nathan Rosenberg's principal campaign committee. See 2 U.S.C. §§ 431(2) and 431(5).

3. Pursuant to 2 U.S.C. § 441a(a)(1)(A), persons are prohibited from making contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000.

4. Under 2 U.S.C. § 441a(a)(8), all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The Commission's regulations define "earmarked" as "a designation, instruction, or encumbrance (including those which are direct or indirect, express or implied, oral or written) which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee. 11 C.F.R. § 110.6(b) (1988).

5. On December 17, 1987, Richard M. Reinsch made a $1,000 contribution to the Nathan Rosenberg for Congress Committee.

6. On April 20, 1988, Richard M. Reinsch made a $2,500 contribution to Log Cabin PAC (f/k/a Californians for Individual Rights and Civil Liberties (Circl-PAC)).

7. Respondent contributed $2,500 to Log Cabin PAC for the purpose of publishing and distributing copies of a book

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containing Nathan Rosenberg's views on various social and political issues.

8. Respondent contends that he believed that his $2,500 check would not constitute a contribution, but rather would be an educational donation.

9. On April 21, 1988, Log Cabin PAC used Respondent's $2,500 contribution to make an in-kind contribution to the Nathan Rosenberg for Congress Committee for publishing and distributing copies of the book, described in paragraph 7, supra.

10. Respondent's $2,500 contribution to Log Cabin PAC constituted an earmarked contribution to the Nathan Rosenberg for Congress Committee and thereby, constituted an excessive contribution.

V. Respondent made an excessive contribution to Nathan Rosenberg in violation of 2 U.S.C. § 441a(a)(1)(A).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of three hundred fifty dollars ($350), 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 or herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirements 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

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approved the entire agreement.

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

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.

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FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: _____ Date 9/17/91
Lois G. Lerner
Associate General Counsel

FOR THE RESPONDENT:

BY: _____ Date July 30, 1991
Cary Davidson
Attorney for Respondent

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3022

DATE FILMED 10/18/91 CAMERA NO. 2

CAMERAMAN AS

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