FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3034

DATE FILMED 8/24/91 CAMERA NO. 3

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89[illegible]

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: December 29, 1989

ANALYST: Robert B. DiNardo

I. **COMMITTEE:** Equimark Corporation's Political Action Action Committee - EQUIPAC (C00232793)
Bonnie S. Kabin, Treasurer
Two Oliver Plaza
Pittsburgh, PA 15222

II. **RELEVANT STATUTE:** 2 U.S.C. 441a(f)

III. **BACKGROUND:**

Receipt of Excessive Contributions from Individuals

Equimark Corporation's Political Action Committee - EQUIPAC ("EQUIPAC") received excessive contributions from two (2) individuals totalling $6,548 during the 1989 Mid-Year reporting period.

On July 31, 1989, EQUIPAC filed its 1989 Mid-Year Report. This report disclosed the receipt of two (2) excessive contributions from two (2) individuals: an $11,000 contribution dated February 15, 1989, and a $5,548 contribution dated February 21, 1989 (Attachment 2).

On November 22, 1989, a Request for Additional Information ("RFAI") was sent to EQUIPAC. The RFAI notified EQUIPAC that it had received excessive contributions and recommended EQUIPAC refund to the donors, transfer-out to a non-federal account, and/or seek reattribution of the excessive amounts (Attachment 3).

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On December 6, 1989, EQUIPAC notified the Commission by letter that the excessive amount was inadvertently deposited into its federal account. EQUIPAC said it had refunded $548 to one contributor. EQUIPAC also received permission on December 1, 1989, to reattribute $2,000 to the other contributor's spouse, and refunded the remaining $4,000 to this contributor. EQUIPAC enclosed a photocopy of two (2) refund checks dated December 5, 1989, totalling $4,548 (Attachment 4).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

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Attachment #1

FEDERAL ELECTION COMMISSION
1989-1990
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 13DEC89

COMMITTEE	DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER		
EQUIMARK CORPORATION'S POLITICAL ACTION COMMITTEE - EQUIPAC						ID C00232793 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: EQUIMARK CORPORATION								
1989 MID-YEAR REPORT		57,289		46,470		1JAN89 -30JUN89	16	89FEC/606/2080
MID-YEAR REPORT	- AMENDMENT	-		-		1JAN89 -30JUN89	6	89FEC/616/3009
REQUEST FOR ADDITIONAL INFORMATION						1JAN89 -30JUN89	4	89FEC/616/0055
TOTAL		57,289	0	46,470	0		26	TOTAL PAGES

All reports listed have been reviewed.

Ending cash-on-hand as of 6/30/89: $13,622.14

Debts and obligations owed to the committee as of 6/30/89: $0

Debts and obligations owed by the committee as of 6/30/89: $0

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Attachment #2

1989 Mid-Year Report

SCHEDULE A **ITEMIZED RECEIPTS**

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

PAGE 1 OF 6

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)

Equimark Corporation's Political Action Committee - EQUIPAC

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Karen D. Budniak 227 First Avenue Haddon Heights, NJ 08035 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Equibank Senior Vice President Aggregate Year-to-Date $ 900.00	2/24/89	$ 900.00
B. Charles G. Cheleden 8127 Cedvalader Avenue Elkins Park, PA 19117 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	EquiManagement, Inc. Vice Chairman Aggregate Year-to-Date $ 1,400.00	2/24/89	1,400.00
C. Robert F. Donovan 2666 Gloucester Drive Upper St. Clair, PA 15241 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Equibank Senior Vice President Aggregate Year-to-Date $ 900.00	bi-monthly payroll deductions @ $75.00	900.00
D. Jack L. Duff RD #1 Ridge Road Box 372 Natrona Heights, PA 15065 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Equibank Senior Vice President Aggregate Year-to-Date $ 1,259.00	2/21/89	1,259.00
E. David J. East 561 Golf Links Lane Long Boat Key, FL 34228 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Equibank (Delaware), National Association Chief Executive Officer Aggregate Year-to-Date $ 475.00	bi-monthly payroll deductions @ $100.00	475.00
F. George F. Eichleay 5314 Wilkins Avenue Pittsburgh, PA 15217 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation: Director, Equimark Corporation Aggregate Year-to-Date $ 1,500.00	3/16/89	1,500.00
G. Alan S. Fellheimer Blackburn Road Sewickley Heights, PA 15143 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Equimark Corporation Chief Executive Officer Aggregate Year-to-Date $ 11,000.00	2/15/89	11,000.00
SUBTOTAL of Receipts This Page (optional)			$ 17,034.00
TOTAL This Period (last page this line number only)			

8 2 3 6 0 6 2 0 8 3

1989 Mid-Year Report

SCHEDULE A **ITEMIZED RECEIPTS**

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

PA-
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)

Equimark Corporation's Political Action Committee - EQUIPAC

Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation	Date (month, day, year)	Amount of Each Receipt this Period
A. Judith E. Pellheimer Blackburn Road Sewickley Heights, PA 15143 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Equimark Corporation Occupation: Executive Vice President Aggregate Year-to-Date > $ 3,000.00	2/15/89	$ 3,000.00
B. Claire W. Gargalli 500 Fifth Avenue, Apt. 210 Pittsburgh, PA 15232 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Equibank Liberty Savings Bank Occupation: Chairman of the Board Aggregate Year-to-Date > $ 5,548.00	2/21/89	5,548.00
C. Marylu Giver 10 Hunters Run Newton Square, PA 19073 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Liberty Savings Bank Occupation: Vice President Aggregate Year-to-Date > $ 240.00	bi-monthly payroll deductions @ $20.00	240.00
D. Leslie H. Green 104 Roycroft Road Pittsburgh, PA 15228 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Equibank Occupation: Executive Vice President Aggregate Year-to-Date > $ 497.00	bi-monthly payroll deductions @ $71.00	497.00
E. Lawrence N. Gumberg 8 West Woodland Road Pittsburgh, PA 15232 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Occupation: Director, Equimark Aggregate Year-to-Date > $ 1,750.00	3/14/89	1,750.00
F. Benjamin Hayllar 7032 Reynolds Street Pittsburgh, PA 15208 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Equibank Occupation: Vice President Aggregate Year-to-Date > $ 216.00	bi-monthly payroll deductions @ $18.00	216.00
G. Chaim Helfgott 7556 Greenhail Road Philadelphia, PA 19151 Receipt For: ☐ Primary ☐ General ☐ Other (specify)	Equibank Occupation: Senior Vice President Aggregate Year-to-Date > $ 437.36	bi-monthly payroll deductions @ $62.48	437.36
SUBTOTAL of Receipts This Page (optional)			$ 11,688.36
TOTAL This Period (last page this line number only)			

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Attachment #3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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Bonnie S. Rabin, Treasurer
Equimark Corporation's Political
Action Committee - EQUIPAC
Two Oliver Plaza
Pittsburgh, PA 15222

Identification Number: C00232793

Reference: 1989 Mid-Year Report (1/1/89-6/30/89)

Dear Ms. Rabin:

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:

RD

-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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RD

the contribution. See 11 CFR 103.3(b). Refunds and transfers-out should be disclosed on a supporting Schedule B for Line 26 or 20 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.

-Your report disclosed certain line number totals that have been reflected on the wrong lines of the Detailed Summary Page. Contributions made to non-federal candidates and/or non-federal committees should be properly disclosed on Schedule B, supporting Line 27 of the Detailed Summary Page. Please refer to the instructions contained on the forms to determine the proper categorization when preparing your next filing.

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

Sincerely,

Robert B. DiNardo

Robert B. DiNardo
Reports Analyst
Reports Analysis Division

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Equimark

FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC -6 AM 10:26

Attachment #4

December 5, 1989

FEDERAL EXPRESS

Mr. Robert B. DiNardo
Reports Analyst
Reports Analysis Division
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Re: EQUIPAC

Dear Mr. DiNardo:

We are in receipt of your November 22, 1989 correspondence to Bonnie S. Kabin, Treasurer, EQUIPAC, in which you advise of the fund's receipt of excessive contributions as well as clerical errors made in filing the 1989 Mid-Year Report.

We have taken immediate corrective action and want to assure you that precautions will be taken to preclude receipt of excessive contributions in the future. In an effort to keep confidential the contributions made to the fund, it has been Equimark's practice to have the Vice President of Human Resources serve as the Treasurer. Mrs. Kabin was employed with us for only a short time when the Mid-Year Report was submitted and had newly assumed responsibilities of this office. The deposit of these funds to EQUIPAC was an inadvertent error by those persons administering the Fund. We very much regret this incident and have taken precautions to prevent any recurrence.

Claire Gargalli, whose contribution had been in the amount of $5,548.00 has been refunded $548.00. A copy of Check No. 713 from EQUIPAC payable to Ms. Gargalli is attached.

Two Oliver Plaza
Pittsburgh PA 15222-2725

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Mr. Robert B. Dillardo
December 5, 1989
Page Two

Alan Fellheimer has reattributed $2,000.00 of his $11,000.00 contribution to Mrs. Judith Fellheimer. Mr. Fellheimer is contributing $5,000.00 for the 1989 calendar year and has been refunded the remaining $4,000.00. A copy of Check No. 714 from EQUIPAC payable to Mr. Fellheimer is attached. Both Mr. and Mrs. Fellheimer have signed a reaffirmation request which also is attached.

Every attempt will be made to reduce clerical errors as well. Please contact us with any questions or comments.

Very truly yours,

Sheila G. Nathanson

Sheila G. Nathanson
Assistant Vice President
and Counsel
(412) 288-5046

SGN/crc

Attachments

39036163070

Equimark

December 1, 1989

Bonnie S. Kabin
Treasurer
EQUIPAC

Dear Ms. Kabin:

Reference is made to check no. 275 dated February 14, 1989 payable to EQUIPAC in the amount of $11,000. Please let your records reflect that, pursuant to 11 CFR § 110.1(k), $5,000 of that amount shall be deemed a contribution by Alan S. Fellheimer and $2,000 of that amount shall be deemed a contribution by Judith E. Fellheimer.

We understand and authorize that the remaining $4,000 shall be refunded to Alan Fellheimer.

Very truly yours,

Alan S. Fellheimer

Judith E. Fellheimer

Two Oliver Plaza
Pittsburgh, PA 15222-2723

9 0 0 4 0 7 4 7 0 7 2

Equibank
Two Oliver Plaza
Pittsburgh, PA 15222-2705

December 4, 1989

Claire W. Gargalli
President and Chief
Operating Officer
Equimark Corporation

Dear Ms. Gargalli:

Enclosed please find Check No. 713 in the sum of $548.00.

This amount represents a partial refund of your February 16, 1989 contribution to EQUIPAC. Federal election laws preclude EQUIPAC from accepting contributions in any one calendar year which exceed $5,000.

Very truly yours,

Bonnie S. Kahin

Bonnie S. Kahin
Treasurer, EQUIPAC

BSK:pwm

Enclosure

equibank

Equibank
Two Oliver Plaza
Pittsburgh, PA 15222-2705

December 4, 1989

Alan S. Fellheimer
Chairman and Chief
Executive Officer
Equimark Corporation

Dear Mr. Fellheimer:

Enclosed please find Check No. 714 in the sum of $4,000.

This amount represents a partial refund of your February 14, 1989 contribution to EQUIPAC. Federal election laws preclude EQUIPAC from accepting contributions in any one calendar year which exceed $5,000.

Very truly yours,

Bonnie S. Kabin

Bonnie S. Kabin
Treasurer, EQUIPAC

BSK:pmm

Enclosure

3 2 0 3 6 1 6 3 0 1 4

EQUIPAC
TWO OLIVER PLAZA
PITTSBURGH, PA 15222

713

December 5, 1991

PAY TO THE ORDER OF Claire W. Gargalli $ 547.00

Five hundred forty-eight and 00/100

[redacted]quibank
Pittsburgh, PA

Bonnie S. Kalin

FOR Refund

⑈0007 13⑈ ⑆043001334⑆ 0375687 5

EQUIPAC
TWO OLIVER PLAZA
PITTSBURGH, PA 15222

714

December 5, 1991

PAY TO THE ORDER OF Alan S. Fellheimer $ 5000.00

Four thousand dollars and 00/100

[redacted]quibank
Pittsburgh, PA

Bonnie S. Kalin

FOR Refund

⑈0007 14⑈ ⑆043001334⑆ 0375687 5

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

90 FEB 12 AM 11:13

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: #89L-46
STAFF MEMBER: Mary Ann Bumgarner

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS: Equimark Corporation's Political Action Committee and Bonnie S. Kabin, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441a(a)(1)(C)
2 U.S.C. § 441a(f)
11 C.F.R. § 103.3(b)(3)

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On January 2, 1990, the Reports Analysis Division ("RAD") referred Equimark Corporation's Political Action Committee ("EQUIPAC") to the Office of the General Counsel for accepting excessive contributions totaling $6,548 from two (2) contributors, and for failing to refund or reattribute these contributions in a timely manner in violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contribution in violation of the provisions of 2 U.S.C. § 441a. 2 U.S.C. § 441a(a)(1)(C) limits the contributions a person may make to a

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political committee other than a candidate committee or a national party committee to $5,000 in any calendar year.

Commission Regulations provide that contributions which exceed the contribution limits when aggregated with other contributions from the same contributor may be either deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor. Id. If the reattribution or redesignation is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

On February 15, 1989, EQUIPAC received an $11,000 contribution from Alan S. Fellheimer. This resulted in the receipt of a $6,000 excessive contribution by EQUIPAC. In a letter from Mr. and Mrs. Fellheimer to the treasurer of EQUIPAC dated December 1, 1989, it was requested that $2,000 of the $6,000 excessive contribution be reattributed to Mrs. Fellheimer and that $5,000 be deemed a contribution by Mr. Fellheimer. The remaining $4,000 excessive contribution was refunded to Mr. Fellheimer on December 5, 1989.

EQUIPAC also received a $5,548 contribution from Claire W. Gargalli on February 21, 1989, which resulted in the receipt of a $548 excessive contribution. EQUIPAC refunded the excessive amount to Ms. Gargalli on December 5, 1989.

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According to a letter from counsel for EQUIPAC dated December 5, 1989, "the deposit of these funds to EQUIPAC was an inadvertent error by those persons administering the Fund." Although EQUIPAC did refund or reattribute $6,548 in excessive contributions received from Mr. Fellheimer and Ms. Gargalli, it failed to make these refunds and reattribution within the sixty day time period required by the Regulations.

Based on the foregoing analysis, the Office of the General Counsel recommends that the Commission find reason to believe that EQUIPAC violated 2 U.S.C. § 441a(f) by accepting excessive contributions from two contributors and by not refunding or reattributing within 60 days of receipt of the excessive contributions excessive portions totaling $6,548.

As discussed above, pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to any political committee other than a candidate committee or committee for a national political party in any calendar year, which in the aggregate, exceed $5,000. Mr. Fellheimer made a contribution totaling $11,000, with the excess not being refunded or reattributed until approximately 10 months after the date of the original receipt. Therefore, this Office recommends that the Commission find reason to believe that Alan S. Fellheimer violated 2 U.S.C. § 441a(a)(1)(C) by making a $6,000 excessive contribution to EQUIPAC.[1]

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1. In light of the amount of her excessive contribution, this Office makes no recommendation with regard to Claire W. Gargalli.

9004074078

III. RECOMMENDATIONS

1. Open a Matter Under Review.

2. Find reason to believe that Equimark Corporation's Political Action Committee and Bonnie S. Kabin, as treasurer, violated 2 U.S.C. § 441a(f).

3. Find reason to believe that Alan S. Fellheimer violated 2 U.S.C. § 441a(a)(1)(C).

4. Approve the attached letters and Factual and Legal Analyses.

Lawrence M. Noble
General Counsel

Date 2/9/90

By: Lois G. Lerner
Associate General Counsel

Attachments
1. Referral Materials
2. Letters and Factual and Legal Analyses

Staff Member: Mary Ann Bumgarner

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BEFORE THE FEDERAL ELECTION COMMISSION

(MUR 3034)

In the Matter of	)	
	)	
Equimark Corporation's Political Action Committee and Bonnie S. Kabin, as treasurer	)	RAD Referral 89L-46

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 14, 1990, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 89L-46:

1. Open a Matter Under Review.

2. Find reason to believe that Equimark Corporation's Political Action Committee and Bonnie S. Kabin, as treasurer, violated 2 U.S.C. § 441a(f).

3. Find reason to believe that Alan S. Fellheimer violated 2 U.S.C. § 441a(a)(1)(c).

4. Approve the letters and Factual and Legal Analyses, as recommended in the General Counsel's report dated February 9, 1990.

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

Attest:

2-14-90
Date

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

Received in the Secretariat: Monday, Feb. 12, 1990 11:13 a.m.
Circulated to the Commission: Monday, Feb. 12, 1990 4:00 p.m.
Deadline for vote: Wednesday, Feb. 14, 1990 4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 16, 1990

Ms. Bonnie S. Kabin, Treasurer
Equimark Corporation's Political
Action Committee
Two Oliver Plaza
Pittsburgh, PA 15222

RE: MUR 3034
Equimark Corporation's
Political Action Committee
and Bonnie S. Kabin, as
treasurer

Dear Ms. Kabin:

On February 14, 1990, the Federal Election Commission found that there is reason to believe Equimark Corporation's Political Action Committee ("EQUIPAC") and you, as treasurer, violated 2 U.S.C. § 441a(f), 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 EQUIPAC and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be 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 Mary Ann Bumgarner, 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

9004079208 2

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Equimark Corporation's Political Action Committee and Bonnie S. Kabin, as treasurer — MUR 3034

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no candidate or political committee shall knowingly accept any contribution in violation of the provisions of 2 U.S.C. § 441a(a)(1)(C). 2 U.S.C. § 441a(a)(1)(C) limits the contributions a person may make to a political committee other than a candidate committee or a national party committee to $5,000 in any calendar year.

Commission Regulations provide that contributions which exceed the contributions limits when aggregated with other contributions from the same contributor may be either deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor. Id. If the reattribution or redesignation is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

On February 15, 1989, EQUIPAC received an $11,000 contribution from Alan S. Fellheimer. This resulted in the

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receipt of a $6,000 excessive contribution by EQUIPAC. In a letter from Mr. and Mrs. Fellheimer to the treasurer of EQUIPAC dated December 1, 1989, it was requested that $2,000 of the $6,000 excessive contribution be reattributed to Mrs. Fellheimer and that $5,000 be deemed a contribution by Mr. Fellheimer. The remaining $4,000 excessive contribution was refunded to Mr. Fellheimer on December 5, 1989.

EQUIPAC also received a $5,548 contribution from Claire W. Gargalli on February 21, 1989, which resulted in the receipt of a $548 excessive contribution. EQUIPAC refunded the excessive amount to Ms. Gargalli on December 5, 1989.

Although EQUIPAC did refund or reattribute $6,548 in excessive contributions received from Mr. Fellheimer and Ms. Gargalli, it failed to make these refunds and reattribution within the sixty day time period required by the Regulations. Therefore, there is reason to believe that Equimark Corporation's Political Action Committee and Bonnie S. Kabin, as treasurer, violated 2 U.S.C. § 441a(f).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 16, 1990

Mr. Alan S. Fellheimer
Blackburn Road
Sewickley Heights, PA 15143

RE: MUR 3034
Alan S. Fellheimer

Dear Mr. Fellheimer:

On February 14, 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 submitted under oath.

In the absence of any additional information demonstrating 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, 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 Mary Ann Bumgarner, 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

9004079208

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Alan S. Fellheimer MUR 3034

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make contributions to any political committee other than a candidate committee or committee for a national political party in any calendar year, which in the aggregate exceed $5,000. 2 U.S.C. § 441a(a)(1)(C).

Commission Regulations provide that contributions which exceed the contribution limits when aggregated with other contributions from the same contributor may be either deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor. Id. If the reattribution or redesignation is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

Mr. Fellheimer made a contribution to Equimark Corporation's Political Action Committee totaling $11,000, which resulted in a $6,000 excessive contribution. In a letter from Mr. and Mrs. Fellheimer to the treasurer of

9004074087

EQUIPAC dated December 1, 1989, it was requested that $2,000 of the $6,000 excessive contribution be reattributed to Mrs. Fellheimer and that $5,000 be deemed a contribution by Mr. Fellheimer. The remaining $4,000 excessive contribution was refunded to Mr. Fellheimer on December 5, 1989. While EQUIPAC did refund or reattribute the $6,000 excessive contribution from Mr. Fellheimer, it did not do so until approximately 10 months after the date of the original receipt. Therefore, there is reason to believe that Alan S. Fellheimer violated 2 U.S.C. § 441a(a)(1)(C) by making a $6,000 excessive contribution to EQUIPAC.

2004079208

OGC 5508

Equimark

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 FEB 23 AM 9:34

February 21, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 FEB 23 PM 1:10

Mary Ann Bumgarner, Esquire
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

RE: MUR 3034

Dear Ms. Bumgarner:

Attached is a Statement of Designation of Counsel, signed by Bonnie S. Kabin, Treasurer of the Equimark Political Action Committee.

Very truly yours,

Sheila G. Nathanson

Sheila G. Nathanson
Counsel

Attachment

Two Oliver Plaza
Pittsburgh, PA 15222-2705

00004027489

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3034

NAME OF COUNSEL: Judith Corley

ADDRESS: Perkins Coie
1110 Vermont Avenue, NW
Suite 1200

Washington, D.C. 20005

TELEPHONE: (202) 887-9030

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.

2/21/90
Date

Signature Bonnie S. Kabin, Treasurer

RESPONDENT'S NAME: Equimark Corporation Political Action Committee
Bonnie S. Kabin, Treasurer

ADDRESS: Two Oliver Plaza

Pittsburgh, PA 15222

HOME PHONE: (412) 335-8833

BUSINESS PHONE: (412) 288-5073

90040792020

OGC 5641

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

March 8, 1990

90 MAR -8 PM 3:21
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Lawrence M. Noble
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Mary Ann Bumgarner

Re: MUR 3034 - Equimark Corporation's Political Action Committee and Bonnie S. Kabin, as Treasurer

Dear Mr. Noble:

Equimark Corporation's political action committee ("EQUIPAC") and Bonnie S. Kabin, as Treasurer ("Respondents") hereby reply through counsel to the Commission's notification dated February 16, 1990, that it had found reason to believe that Respondents had violated the Federal Election Campaign Act by failing to refund or reattribute a contribution within 60 days of its receipt.

The facts of this case are set out in the General Counsel's Factual and Legal Analysis. Some additional background information may assist the Commission in its analysis of the issues in this case.

The two individuals identified by the Commission as making excessive contributions to EQUIPAC are the two highest level employees of Equimark Corporation. Alan S. Fellheimer is Chairman and Chief Executive Officer, while Claire W. Gargalli is the President and Chief Operating Officer. In an effort to encourage participation in EQUIPAC, these two individuals have set an example by contributing to the PAC each year approximately one percent of their salaries. Mr. Fellheimer's contribution to the PAC in each of 1987 and 1988 was $4,586. Ms. Gargalli's contribution in 1987 was $2,269, and in 1988 it was $2,309.79.

Both employees followed the same procedure for contributing to the PAC that they had used in previous years to determine the amount to contribute to EQUIPAC in 1989. In 1989, however, the recommended contribution was modified to include incentive compensation as well, resulting in the excessive contributions.

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Around this same time, a new treasurer who was a new employee at the bank was appointed for EQUIPAC. The previous treasurer's departure allowed little or no overlap with the new treasurer for consultation or guidance.

The coincidence of these various factors resulted in the making of the contributions in question to the PAC without awareness that they were in excess of the limits. The contributions were inadvertent and unintentional, and the PAC made no effort to hide these contributions. This matter came to the Commission's attention, in fact, because the contributions were accurately shown on the PAC's FEC report.

When EQUIPAC received the November 22, 1989 Request For Additional Information noting the excessive contributions, it took immediate steps to correct the situation:

- On December 1, 1989, $2,000 of Mr. Fellheimer's contribution was reattributed to his wife, an Executive Vice President of Equimark;
- On December 4, 1989, $4,000 of the contribution was refunded to him; and
- On December 4, 1989, $548 was refunded to Ms. Gargalli.

Copies of the reattribution and the refund checks were submitted to the Reports Analysis Division in response to the RFAI, and copies are resubmitted here for your reference.

At all times between EQUIPAC's receipt of the excessive contributions and the reattribution and refunds, EQUIPAC's cash-on-hand exceeded $11,000. The PAC, thus, did not use any portion of the excessive amounts to make contributions to candidates for federal office or in any other way to influence federal elections.

EQUIPAC has taken steps to ensure that it will not receive excessive contributions again, including, for example, informing all employees of the specific contribution limits applicable to EQUIPAC.

The General Counsel's legal and factual analysis notes that Reason to Believe was found because the refunds and reattribution of the excessive portion of Mr. Fellheimer's contribution was not done within 60 days of the receipt of the contribution, as required under the Commission's Regulations. In the context of the case, where any error made was

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inadvertent and entirely unknowing, and where, when called to the PAC's attention, the error was corrected immediately, the failure to precisely meet the 60-day requirement should not be treated as significant.

Respondents have taken all available measures to correct the situation and to prevent its reoccurrence, and seek to resolve this matter as quickly as possible. Therefore, Respondents request pre-probable cause conciliation.

If you have any question or need additional information, please do not hesitate to contact me.

Very truly yours,

Judith L. Corley
Counsel to Respondents

1595E

90040792009

OGC 5881

Equimark

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 APR -9 PM 12:50

HAND DELIVERED

April 6, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 APR -9 PM 4:00

AIRBORNE EXPRESS

Mary Ann Bumgarner, Esquire
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

Dear Ms. Bumgarner:

Attached is a Statement of Designation of Counsel, signed by Alan S. Fellheimer in conjunction with the Equimark Corporation Political Action Committee.

Very truly yours,

Sheila G. Nathanson

Sheila G. Nathanson
Counsel

SGN/crc

Attachment

Two Oliver Plaza
Pittsburgh, PA 15222-2705

90040720094

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3034

NAME OF COUNSEL: Judith L. Corley

ADDRESS: Perkins Coie

1110 Vermont Avenue, N.W.

Washington, D.C. 20005

TELEPHONE: (202) 956-5414

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.

4/5/90

Date

Signature

RESPONDENT'S NAME: Alan S. Fellheimer

ADDRESS: c/o Equimark Corporation

Two Oliver Plaza

Pittsburgh, PA 15222

HOME PHONE: (412) 288-5214

BUSINESS PHONE: (412) 288-5500

9004079209

OGC 5953

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

RECEIVED FEDERAL ELECTION COMMISSION
90 APR 18 AM 9:20

April 17, 1990

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL
90 APR 18 AM 10:09

Mary Ann Bumgarner
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3034 - Alan S. Fellheimer

Dear Ms. Bumgarner:

This letter will respond to your telephone call of April 5, 1990, in which you requested a letter regarding the response of Alan S. Fellheimer to the Reason to Believe Finding by the Federal Election Commission in the above-referenced Matter Under Review. I understand that a Designation of Counsel for the undersigned in this matter has been sent by the Respondent directly to the FEC.

The Commission's finding relates to the making of an excessive contribution to a federal political committee, Equimark Corporation's political action committee ("EQUIPAC"). As noted in the March 8, 1990 response of EQUIPAC in this matter, Alan S. Fellheimer is Chairman and Chief Executive Officer of Equimark Corporation. Since the discussion and analysis set forth in the March 8 letter on behalf of Equimark Corporation is equally applicable to Mr. Fellheimer's situation, we incorporate it here by reference and ask that it be used in your consideration of Mr. Fellheimer's case.

It is equally true here that Mr. Fellheimer's contribution in excess of the limits was inadvertent and unintentional. When the matter was called to Mr. Fellheimer's attention, he immediately sought to correct the error, through the steps described in the March 8, 1990 letter. All available measures to correct the situation and to prevent its recurrence have now been completed.

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Mr. Fellheimer wishes to resolve this matter as quickly as possible, and, therefore, seeks pre-probable cause conciliation in this matter.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

Judith L. Corley
Counsel to Respondents

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

90 MAY 29 AM 9:08

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer Alan S. Fellheimer	)	MUR 3034

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On February 14, 1990, the Federal Election Commission found reason to believe that Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions totaling $6,548 from two (2) contributors, and by failing to refund or reattribute these contributions in a timely manner. On February 14, 1990, the Commission also found reason to believe that Alan S. Fellheimer violated 2 U.S.C. § 441a(a)(1)(C) by making a $6,000 excessive contribution to EQUIPAC.

By letter dated March 8, 1990, counsel on behalf of EQUIPAC requested pre-probable cause conciliation. (Attachment I). By letter dated April 17, 1990, counsel on behalf of Mr. Fellheimer requested pre-probable cause conciliation. (Attachment II).

II. ANALYSIS

Pursuant to 2 U.S.C. § 441a(f), no candidate or political

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committee shall knowingly accept any contribution in violation of the provisions of 2 U.S.C. § 441a. 2 U.S.C. § 441a(a)(1)(C) limits the contributions a person may make to a political committee other than a candidate committee or a national party committee to $5,000 in any calendar year.

Commission Regulations provide that contributions which exceed the contribution limits when aggregated with other contributions from the same contributor may be either deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor. Id. If the reattribution or redesignation is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id.

On February 15, 1989, EQUIPAC received an $11,000 contribution from Alan S. Fellheimer. This resulted in the receipt of a $6,000 excessive contribution by EQUIPAC. In a letter from Mr. and Mrs. Fellheimer to the treasurer of EQUIPAC dated December 1, 1989, it was requested that $2,000 of the $6,000 excessive contribution be reattributed to Mrs. Fellheimer and that $5,000 be deemed a contribution by Mr. Fellheimer. The remaining $4,000 excessive contribution was refunded to Mr. Fellheimer on December 5, 1989.

EQUIPAC also received a $5,548 contribution from Claire

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W. Gargalli on February 21, 1989, which resulted in the receipt of a $548 excessive contribution. EQUIPAC refunded the excessive amount to Ms. Gargalli on December 5, 1989.

According to the letter from counsel for EQUIPAC dated March 8, 1990, Mr. Fellheimer and Ms. Gargalli are the two highest level employees at EQUIPAC and, in an effort to encourage participation in the PAC, they contribute one percent of their salaries each year to EQUIPAC. In 1989 both employees followed the same procedure for contributing to the PAC that they had in previous years, but that year these contributions were "modified to include incentive compensation as well, resulting in the excessive contributions." Counsel for EQUIPAC asserts that as soon as EQUIPAC became aware of the excessive contributions through a Request for Additional Information from the Reports Analysis Division, it took immediate steps to remedy the situation. Further, Counsel asserts that EQUIPAC has taken steps to ensure that it will not accept excessive contributions again.

While EQUIPAC did refund or reattribute the excessive contributions received from Mr. Fellheimer and Ms. Gargalli, it failed to make these refunds and to secure the reattribution within the sixty day time period required by the Regulations. Therefore, EQUIPAC violated 2 U.S.C. § 441a(f) by accepting excessive contributions from two contributors totaling $6,548.

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As discussed above, pursuant to 2 U.S.C. § 441a(a)(1)(C) no person shall make contributions to any political committee other than a candidate committee or committee for a national political party in any calendar year, which in the aggregate, exceed $5,000. Mr. Fellheimer made a contribution totaling $11,000, with the excess not having been refunded or reattributed until approximately 10 months after the date of the original receipt. Therefore, Alan S. Fellheimer violated 2 U.S.C. § 441a(a)(1)(C) by making a $6,000 excessive contribution to EQUIPAC.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Enter into conciliation with Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer, prior to a finding of probable cause to believe.

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2. Enter into conciliation with Alan S. Fellheimer prior to a finding of probable cause to believe.

3. Approve the attached proposed conciliation agreements and letters.

Lawrence M. Noble
General Counsel

May 24, 1990
Date

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

Attachments
1. Request for conciliation from EQUIPAC dated March 8, 1990.
2. Request for conciliation from Alan S. Fellheimer dated April 17, 1990.
3. Proposed conciliation agreement for EQUIPAC.
4. Proposed conciliation agreement for Alan S. Fellheimer.
5. Letters

Staff Member: Mary Ann Bumgarner

90040792102

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer Alan S. Fellheimer	)	MUR 3034

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 31, 1990, the Commission decided by a vote of 5-0 to take the following actions in MUR 3034:

1. Enter into conciliation with Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer, prior to a finding of probable cause to believe.

2. Enter into conciliation with Alan S. Fellheimer prior to a finding of probable cause to believe.

3. Approve the proposed conciliation agreements and letters, as recommended in the General Counsel's report dated May 24, 1990.

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

Attest:

May 31, 1990
Date

for Helen Arnold
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tuesday, May 29, 1990 9:08 a.m.
Circulated to the Commission: Tuesday, May 29, 1990 11:00 a.m.
Deadline for vote: Thursday, May 31, 1990 11:00 a.m.

dh

90040721005

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 4, 1990

Judith L. Corley, Esquire
Perkins Coie
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 3034
Equimark Corporation's
Political Action
Committee - EQUIPAC
and Bonnie S. Kabin, as
treasurer

Dear Ms. Corley:

On February 14, 1990, the Federal Election Commission found reason to believe that Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer, violated 2 U.S.C. § 441a(f). At your request, on May 31, 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 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 agreement, please contact Mary Ann Bumgarner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

00047021104

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 4, 1990

Judith L. Corley, Esquire
Perkins Coie
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 3034
Alan S. Fellheimer

Dear Ms. Corley:

On February 14, 1990, the Federal Election Commission found reason to believe that Alan S. Fellheimer violated 2 U.S.C. § 441a(a)(1)(C). At your request, on May 31, 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 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 Mary Ann Bumgarner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

90040792105

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer Alan S. Fellheimer	)	MUR 3034

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached are revised signed conciliation agreements, which have been submitted by Judith L. Corley, counsel both for Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer (Attachment I), and for Alan S. Fellheimer (Attachment II). Checks for the civil penalties have not been received.

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II. **RECOMMENDATIONS**

1. Accept the attached conciliation agreement with Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer.

2. Accept the attached conciliation agreement with Alan S. Fellheimer.

3. Close the file.

4. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

8/3/90
Date

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

Attachments
1. Proposed conciliation agreement with EQUIPAC.
2. Proposed conciliation agreement with Mr. Fellheimer.
3. Responses dated June 19, 1990.
4. Response dated March 8, 1990.

Staff Assigned: Mary Ann Bumgarner

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer. Alan S. Fellheimer.	)	MUR 3034

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 8, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 3034:

1. Accept the conciliation agreement with Equimark Corporation's Political Action Committee - EQUIPAC and Bonnie S. Kabin, as treasurer, as recommended in the General Counsel's Report dated August 3, 1990.

2. Accept the conciliation agreement with Alan S. Fellheimer, as recommended in the General Counsel's Report dated August 3, 1990.

3. Close the file.

(continued)

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4. Approve the letters, as recommended in the General Counsel's Report dated August 3, 1990.

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

Attest:

8-8-90
Date

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

Received in the Secretariat: Monday, August 6, 1990 2:18 p.m.
Circulated to the Commission: Monday, August 6, 1990 4:00 p.m.
Deadline for vote: Wednesday, August 8, 1990 4:00 p.m.

dh

9004072110

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1990

Judith L. Corley, Esquire
Perkins Coie
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 3034
Equimark Corporation's
Political Action
Committee - EQUIPAC and
Bonnie S. Kabin, as treasurer

Dear Ms. Corley:

On August 8, 1990, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

9004072111

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Equimark Corporation's Political Action Committee, EQUIPAC, and Bonnie S. Kabin, as Treasurer	)	MUR 3034

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 Equimark Corporation's Political Action Committee, EQUIPAC, and Bonnie S. Kabin, as Treasurer ("Respondents"), violated 2 U.S.C. § 441a(f).

NOW, THEREFORE, the Commission and 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 into pursuant to 2 U.S.C. § 437g(a)(4)(A)(1).

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. Equimark Corporation's Political Action Committee, EQUIPAC, is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Bonnie S. Kabin is the treasurer of Equimark Corporation's Political Action Committee, EQUIPAC.

3. Pursuant to 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contribution in violation of the provisions of 2 U.S.C. § 441a.

4. 2 U.S.C. § 441a(a)(1)(C) limits the contributions a person may make to a political committee other than a candidate committee or a national party committee to $5,000 in any calendar year.

5. On February 15, 1989, Respondents received an $11,000 contribution from Alan S. Fellheimer, resulting in the receipt of a $6,000 excessive contribution. Respondents contend that, upon receipt on November 29, 1989, of notification of this excessive contribution in a letter from the Commission, Respondents took immediate steps to correct the situation.

6. By letter from Mr. and Mrs. Fellheimer dated December 1, 1989, $2,000 of the $6,000 excessive contribution was reattributed to Mrs. Fellheimer. The remaining $4,000 excessive portion was refunded to Mr. Fellheimer on December 5, 1989.

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7. Respondents received a $5,548 contribution from Claire W. Gargalli on February 21, 1989, which resulted in the receipt of a $548 excessive contribution. Respondents refunded the excessive amount to Ms. Gargalli on December 5, 1989.

V. Respondents violated 2 U.S.C. § 441a(f) by accepting excessive contributions totaling $6,548 from two contributors.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Nine Hundred Dollars ($900) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and

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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 8/13/90
Lois G. Lerner
Associate General Counsel

FOR THE RESPONDENT:

_____ Date 7/17/90
Judith L. Corley
Counsel to Respondent

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CLOSED

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1990

Judith L. Corley, Esquire
Perkins Coie
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 3034
Alan S. Fellheimer

Dear Ms. Corley:

On August 8, 1990, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3034
Alan S. Fellheimer	)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to the information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Alan S. Fellheimer ("Respondent") violated 2 U.S.C. § 441a(a)(1)(C).

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 Respondent 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:

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1. 2 U.S.C. § 441a(a)(1)(C) limits the contributions a person may make to a political committee other than a candidate committee or a national party committee to $5,000 in any calendar year.

2. On February 15, 1989, Respondent made a contribution to Equimark Corporation's Political Action Committee, EQUIPAC, totaling $11,000, which resulted in a $6,000 excessive contribution. Respondent contends that, upon receipt by EQUIPAC on November 29, 1989, of notification of this excessive contribution in a letter from the Commis: Respondent took immediate steps to correct the situation.

3. By letter from Mr. and Mrs. Fellheimer to the treasurer of EQUIPAC dated December 1, 1989, $2,000 of the $6,000 excessive contribution was reattributed to Mrs. Fellheimer. The remaining $4,000 of the excessive portion was refunded to Mr. Fellheimer on December 5, 1989.

V. Respondent violated 2 U.S.C. § 441a(a)(1)(C) by making an excessive contribution to EQUIPAC.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Seven Hundred Fifty Dollars ($750), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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a civil action for relief in the United States District Court for the District of Columbia.

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

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

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: _____ Date 8/13/90
Lois G. Lerner
Associate General Counsel

FOR THE RESPONDENT:

_____ Date 7/17/90
Judith L. Corley
Counsel to Respondent

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3034

DATE FILMED 8/24/90 CAMERA NO. 3

CAMERAMAN AS

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