



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3044

DATE FILMED 3/29/91 CAMERA NO. 4

CAMERAMAN AS

21040331931

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 30 January 1990

ANALYST: Linda Tangney

I. COMMITTEE: Richman for Congress
(C00237362)
Gerald F. Richman, Treasurer
(October 3, 1989 - present)
Myron Stayman, Treasurer
(July 4, 1989 - October 2, 1989)
175 NW 1st Avenue, 26th Floor^{1/}
Miami, FL 33128

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(6)
11 CFR §104.5(f)

III. BACKGROUND:

Failure to File 48 Hour Notifications

The Richman for Congress committee ("the Committee") may have failed to file thirty-three (33) 48 hour notifications ("48-hour notices") for contributions totalling \$158,000 received for the 1989 Special Runoff and Special General Elections.

The candidate was involved in the Special Primary Election held on August 1, 1989, the Special Run-off Election held on August 15, 1989, and the Special General Election held on August 29, 1989. Prior notice was sent to the Committee on June 26, 1989. This notice includes a section titled "Last Minute Contributions". This section states "Committees which receive a contribution of \$1,000 or more,

^{1/} The Committee filed a letter on October 10, 1989 which noted a change of address from 2208 Collins Avenue, Miami, FL 33128, to the address listed above.

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between 20 and 2 days before the election, must report it within 48 hours of its receipt" (Attachment 2). Since the candidate was involved in three (3) elections which were held every fifteen (15) days in succession, the Committee was required to file 48 hour notices for every contribution of \$1,000 or more received from July 13, 1989 through August 26, 1989. Below is a list of the elections and the dates for which the 48-hour notices were required to be filed:

<u>Elections</u>	<u>48 Hour Notice Dates</u>
1989 Special Primary	7/13/89-7/29/89
1989 Special Runoff	7/27/89-8/12/89
1989 Special General	8/10/89-8/26/89

Contributions received prior to the 1989 Special Runoff Election and disclosed on Schedule A of the 1989 12 Day Special Pre-General Election Report (covering the period of 7/27/89-8/9/89), indicate that the Committee may have failed to file two (2) 48-hour notices for: one (1) \$50,000 candidate loan received August 8, 1989 and one (1) \$1,000 contribution received August 9, 1989 (Attachments 3 and 4 and Chart). Contributions received prior to the 1989 Special General Election and disclosed on Schedule A of the 1989 30 Day Special Post-General and Amended 1989 30 Day Special Post-General Reports (covering the period of 8/10/89-9/18/89), indicate that the Committee may have failed to file thirty-one (31) 48-hour notices for: one (1) \$50,000 bank loan guaranteed by the candidate^{2/} received August 16, 1989 and thirty (30) contributions totalling \$57,000 received on August 24 through 26, 1989 (Attachments 5 through 23 and Chart).

On November 3, 1989, an Informational Notice was sent to the Committee regarding their 1989 12 Day Special Pre-General Election Report. The Informational Notice stated that the Committee may have failed to file one or more of the 48-hour notices required for "last minute contributions" of \$1,000 or more. The Informational Notice stated that although the Commission may take legal steps, any response the Committee may wish to make would be taken into consideration (Attachment 24).

^{2/} Schedule C of the Committee's 1989 30 Day Special Post-General Election Report discloses a \$50,000 bank loan endorsed by Gwen Richman. An amended report filed on December 13, 1989, clarifies that the candidate, Gerald F. Richman, was the sole endorser of the bank loan.

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On November 7, 1989 a Request for Additional Information ("RFAI") was sent to the Committee regarding their 1989 30 Day Special Post-General Election Report. The RFAI stated on an informational basis that the Committee may have failed to file one or more of the 48-hour notices required for "last minute contributions" of \$1,000 or more. The RFAI stated that although the Commission may take legal steps, any response the Committee may wish to make would be taken into consideration (Attachment 25).

On December 13, 1989, the Committee filed an amended 30 Day Special Post-General Report. This amendment stated that "no 48-hour notices of 'last minute' contributions were filed on 8/25/89 and 8/26/89" because of a "secretarial oversight due to the intense pressure generated in the final days of the campaign". The amendment also stated that "throughout this brief, uniquely intense 10 week period encompassing three distinct special elections, which required the voters to go to the polls an incredible three times in four weeks, our committee has at all times acted in good faith in our attempts to meet FEC compliance. Our efforts have included filing of all prior 48 hour notices and detailed reporting concerning our contributions and expenditures" (Attachment 26).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

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Richman for Congress Committee

Listed below are contributions disclosed on Schedule A of the Committee's reports for which no 48-hour notices were filed.

<u>Name of Contributor</u> (as reported by Committee)	<u>Amount</u>	<u>Report on Which Disclosed</u>
1. Melvin C. Morgenstern	\$ 1,000	1989 12 Day Special Pre-General
2. Gerald F. Richman	50,000	"
3. Sherwood M. Weiser	1,500	1989 30 Day Special Post-General
4. Donald E. Lefton	1,500	"
5. William Ted Phelps	1,000	"
6. J. Thomas Hannon	1,000	"
7. Sanford B. Miot	1,000	"
8. Stroock, Stroock & Lonon	1,000	"
9. Robert E. Muraro	1,000	"
10. Herbert Heftler	1,000	"
11. David W. Hedrick	1,000	"
12. Stephen D. Morgan	1,000	"
13. Melvin C. Morgenstern	1,000	"
14. Fred Speigel*	1,000	"
15. Bernard & Rosalyn Weiss*	1,000	"
16. Congressman Fazio Campaign	1,000	"
17. Bakery, Confectionery, and Tobacco Workers Int'l Union - PAC	1,500	"

*These contributions were initially disclosed on the 1989 30 Day Special Post-General Report. Based on the receipt dates, it appears that they should have been disclosed on the 1989 12 Day Special Pre-General Report.

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<u>Name of Contributor</u> (as reported by Committee)	<u>Amount</u>	<u>Report on Which Disclosed</u>
18. Machinists Non Partisan Political	5,000	"
19. American Fed. of State, City, & Municipal Employees AFL-CIO	5,000	"
20. Communication Workers of America	2,000	"
21. Voters for Choice-Friends of Family Planning	5,000	"
22. Firefighters Interested in Registration & Education Political Action Committee	1,000	"
23. Carpenters Legislative Improvement Committee	2,500	"
24. NARFE PAC (Retired Federal Employees)	3,000	"
25. Sierra Club Committee on Political Education	2,000	"
26. United Association Local 725 Pipefitters	1,000	"
27. ANA PAC	1,000	"
28. DRIVE Political Fund	5,000	"
29. Campaign Acct. of General Bank Political Action Committee	1,000	"
30. Responsible Citizens Political League	1,000	"
31. Cuban American Coalition Inc.	1,000	"
32. Democratic National Cmte.	5,000	"
33. Union National Bank loan guaranteed by Gerald F. Richman	50,000	"
Total:	<hr/> \$158,000	

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FEDERAL ELECTION COMMISSION
1989-1990
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 29JAN90

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	OFFICE SOUGHT/ PARTY	PRIMARY GENERAL	PRIMARY GENERAL	GENERAL			
RICHMAN, GERALD F	HOUSE 18 DEMOCRATIC PARTY				FLORIDA	1990 ELECTION	ID# H0FL18108
1. STATEMENT OF CANDIDATE							
1989 STATEMENT OF CANDIDATE					6JUL89		1 89HSE/379/3414
STATEMENT OF CANDIDATE - AMENDMENT					13DEC89		1 89HSE/386/1241
2. PRINCIPAL CAMPAIGN COMMITTEE							
RICHMAN FOR CONGRESS					ID #C00237362	HOUSE	
1989 STATEMENT OF ORGANIZATION					6JUL89		1 89HSE/379/3416
48 HOUR CONTRIBUTION NOTICE					28JUL89		5 89HSE/381/0524
48 HOUR CONTRIBUTION NOTICE					1AUG89		1 89HSE/382/1779
48 HOUR CONTRIBUTION NOTICE					3AUG89		1 89HSE/383/2482
48 HOUR CONTRIBUTION NOTICE					7AUG89		1 89HSE/384/0156
48 HOUR CONTRIBUTION NOTICE					10AUG89		1 89HSE/384/0656
48 HOUR CONTRIBUTION NOTICE					11AUG89		1 89HSE/384/0953
48 HOUR CONTRIBUTION NOTICE					14AUG89		1 89HSE/384/0954
48 HOUR CONTRIBUTION NOTICE					14AUG89		1 89HSE/384/1048
48 HOUR CONTRIBUTION NOTICE					16AUG89		1 89HSE/384/1207
48 HOUR CONTRIBUTION NOTICE					17AUG89		1 89HSE/384/1368
48 HOUR CONTRIBUTION NOTICE					18AUG89		1 89HSE/384/1968
48 HOUR CONTRIBUTION NOTICE					21AUG89		1 89HSE/384/2188
48 HOUR CONTRIBUTION NOTICE					22AUG89		1 89HSE/384/2359
48 HOUR CONTRIBUTION NOTICE					24AUG89		1 89HSE/384/2479
48 HOUR CONTRIBUTION NOTICE					25AUG89		1 89HSE/384/2614
STATEMENT OF ORGANIZATION - AMENDMENT					10OCT89		1 89HSE/395/0969
STATEMENT OF ORGANIZATION - AMENDMENT					13DEC89		1 89HSE/386/1240
PRE-SPECIAL		146,310		101,797	20JUN89 - 12JUL89		20 89HSE/390/1620
PRE-SPECIAL - AMENDMENT		147,510		101,797	20JUN89 - 12JUL89		4 89HSE/384/2597
REQUEST FOR ADDITIONAL INFORMATION					20JUN89 - 12JUL89		3 89FEC/607/0789
PRE-RUN-OFF		113,135		142,449	13JUL89 - 26JUL89		26 89HSE/384/0123
PRE-RUN-OFF - AMENDMENT		112,085		142,449	13JUL89 - 26JUL89		6 89HSE/384/2691
PRE-RUN-OFF - AMENDMENT					-13JUL89 - 26JUL89		2 89HSE/385/1150
NOTICE OF FAILURE TO FILE					13JUL89 - 26JUL89		1 89FEC/606/2295
REQUEST FOR ADDITIONAL INFORMATION					13JUL89 - 26JUL89		1 89FEC/609/1190
PRE-SPECIAL		112,838		96,653	27JUL89 - 9AUG89		43 89HSE/384/2088
PRE-SPECIAL - AMENDMENT		112,838			-27JUL89 - 9AUG89		44 89HSE/385/0466
PRE-SPECIAL - AMENDMENT					-27JUL89 - 9AUG89		2 89HSE/385/1105
PRE-SPECIAL		112,838		96,653	27JUL89 - 9AUG89		43 89HSE/385/1107
PRE-SPECIAL - AMENDMENT		453,931		484,239	27JUL89 - 9AUG89		6 90HSE/387/2700
NOTICE OF FAILURE TO FILE					27JUL89 - 9AUG89		1 89FEC/607/2626
REQUEST FOR ADDITIONAL INFORMATION					27JUL89 - 9AUG89		2 89FEC/608/4575
REQUEST FOR ADDITIONAL INFORMATION 2ND					27JUL89 - 9AUG89		3 89FEC/610/2490
1ST LETTER INFORMATIONAL NOTICE					27JUL89 - 9AUG89		1 89FEC/614/2023
REQUEST FOR ADDITIONAL INFORMATION					27JUL89 - 9AUG89		8 89FEC/616/2975
REQUEST FOR ADDITIONAL INFORMATION 2ND					27JUL89 - 9AUG89		1 89FEC/618/1954
POST-SPECIAL		450,431		481,239	10AUG89 - 18SEP89		136 89HSE/385/0519
POST-SPECIAL - AMENDMENT					-10AUG89 - 18SEP89		1 89HSE/385/2920

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FEDERAL ELECTION COMMISSION
1989-1990
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/ PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
		PRIMARY	GENERAL	PRIMARY	GENERAL			
POST-SPECIAL	- AMENDMENT		450,431		481,239	10AUG89 -18SEP89	9	89HSE/386/1225
POST-SPECIAL	- AMENDMENT		453,931		484,237	10AUG89 -18SEP89	6	90HSE/387/2706
REQUEST FOR ADDITIONAL INFORMATION						10AUG89 -18SEP89	6	89FEC/614/2829
REQUEST FOR ADDITIONAL INFORMATION 2ND						10AUG89 -18SEP89	7	89FEC/616/2384
REQUEST FOR ADDITIONAL INFORMATION						10AUG89 -18SEP89	8	89FEC/616/2967
REQUEST FOR ADDITIONAL INFORMATION 2ND						10AUG89 -18SEP89	1	89FEC/618/1953
TOTAL			0 1,167,457		0 1,212,722		412	TOTAL PAGES

3. AUTHORIZED COMMITTEES

4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

VICTORY 89 FEDERAL COMMITTEE						ID #C00237727 PARTY NON-QUALIFIED		
REQUEST FOR ADDITIONAL INFORMATION						0 00	2	90FEC/618/2578
REQUEST FOR ADDITIONAL INFORMATION 2ND						0 00	3	90FEC/621/3654
1989 STATEMENT OF ORGANIZATION						1AUG89	2	89FEC/605/0208
STATEMENT OF ORGANIZATION - AMENDMENT						21NOV89	2	89FEC/615/3930
TERMINATION REPORT						1AUG89 -18SEP89	5	89FEC/610/3381
TERMINATION REPORT - AMENDMENT						1AUG89 -18SEP89	2	89FEC/614/3159
TERMINATION REPORT - AMENDMENT						1AUG89 -18SEP89	2	89FEC/615/3931
REQUEST FOR ADDITIONAL INFORMATION						1AUG89 -18SEP89	3	89FEC/614/0180
REQUEST FOR ADDITIONAL INFORMATION 2ND						1AUG89 -18SEP89	2	89FEC/615/0141
							27	TOTAL PAGES

5. TRANSFERS IN FROM JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

All reports have been reviewed.

Ending cash-on-hand as of 9/18/89: \$724

Outstanding debts owed by the Committee as of 9/18/89: \$275,000

REPORT NOTICE

ATTACHMENT 2
Page 1 of 3

FEDERAL ELECTION COMMISSION

FLORIDA SPECIAL

June 26, 1989

WHO MUST FILE

PRINCIPAL CAMPAIGN COMMITTEES OF CONGRESSIONAL "CANDIDATES" who seek election in the August 1, 1989, Florida Special Election.

WHAT MUST BE REPORTED

All financial activity that occurred during the reporting period (or before, if not previously reported).

REPORTING FORMS

Candidate committees use FORM 3 (enclosed). If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on FORM 32.

WHERE TO FILE

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

LABEL

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

LAST-MINUTE CONTRIBUTIONS

Committees which receive a contribution of \$1,000 or more, between 20 and 2 days before the election, must report it within 48 hours of its receipt.

COMPLIANCE

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

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

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CALENDAR OF REPORTING DATES FOR FLORIDA SPECIAL ELECTION

Chart 1: Committees involved in only the Special Primary (8/1/89):

REPORT	PERIOD COVERED	REG./CERT. MAILING DATE ^{1/}	FILING DATE
Pre-Primary and Mid-Year ^{2/}	-- <u>3/</u> - 07/12/89	07/17/89	07/20/89
Year-End	07/13/89 - 12/31/89	01/31/90	01/31/90

Chart 2: Committees involved in only the Special Primary (8/1/89)
and Special General (8/29/89):

REPORT	PERIOD COVERED	REG./CERT. MAILING DATE ^{1/}	FILING DATE
Pre-Primary and Mid-Year ^{2/}	-- <u>3/</u> - 07/12/89	07/17/89	07/20/89
Pre-General	07/13/89 - 08/09/89	08/14/89	08/17/89 [~]
Post-General	08/10/89 - 09/18/89	09/28/89	09/28/89
Year-End	09/19/89 - 12/31/89	01/31/90	01/31/90

NOTE: If no candidate achieves a majority of the vote in his/her party's Special Primary Election, the top two vote getters from that party's primary go to a Special Runoff Election.

^{1/}Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

^{2/}Committees may file a consolidated Pre-Primary and Mid-Year Report, provided the report is filed by 7/20/89.

^{3/}The close of books of the last report filed or the date of the committee's first activity, if no previous reports filed.

^{4/}Committees involved in the Runoff Election may use the August 3 filing date as the mailing date for their Pre-Runoff Report.

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Chart 3: Committees involved in both the Special Primary (8/1/89) and Special Runoff (8/15/89):

REPORT	PERIOD COVERED	REG./CERT. MAILING DATE ^{1/}	FILING DATE
Pre-Primary and Mid-Year ^{2/}	-- <u>3/</u> - 07/12/89	07/17/89	07/20/89
Pre-Runoff	07/13/89 - 07/26/89	08/03/89 ^{4/}	08/03/89
Year-End	07/27/89 - 12/31/89	01/31/90	01/31/90

CHART 4: Committees involved in the Special Primary (8/1/89), Special Runoff (8/15/89) and Special General (8/29/89)

REPORT	PERIOD COVERED	REG./CERT. MAILING DATE ^{1/}	FILING DATE
Pre-Primary and Mid-Year ^{2/}	-- <u>3/</u> - 07/12/89	07/17/89	07/20/89
Pre-Runoff	07/13/89 - 07/26/89	08/03/89 ^{4/}	08/03/89
Pre-General	07/27/89 - 08/09/89	08/17/89 ^{5/}	08/17/89
Post-General	08/10/89 - 09/18/89	09/28/89	09/28/89
Year-End	09/19/89 - 12/31/89	01/31/90	01/31/90

NOTE: If no candidate achieves a majority of the vote in his/her party's Special Primary Election, the top two vote getters from that party's primary go to a Special Runoff Election.

^{1/}Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

^{2/}Committees may file a consolidated Pre-Primary and Mid-Year Report, provided the report is filed by 7/20/89.

^{3/}The close of books of the last report filed or the date of the committee's first activity, if no previous reports filed.

^{4/}Committees involved in the Runoff Election may use the August 3 filing date as the mailing date for their Pre-Runoff Report.

^{5/}Committees involved in the Runoff and General Elections may use the August 17 filing date as the mailing date for their Pre-General Report.

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A. Full Name, Mailing Address and ZIP Code Name of Employer Date (Month, Day, Year) Amount of Cash Received (This Period) Receipt For <input type="checkbox"/> Other (Specify)	Name of Employer Occupation Aggregate Year-to-Date	Date (Month, Day, Year)	Amount of Cash Received (This Period)
Richard M. Dunn 4410 Greenwood St Carol Gables, FL 3314	Ret. Mar. ch CA Aggregate Year-to-Date > 1,000	8/1/89	250
Richard M. Dunn 4410 Greenwood St Carol Gables, FL 3314	Ret. Mar. ch CA Aggregate Year-to-Date > 1,000	8/1/89	250
Mohr C. Margoustan 201 Atlantic Co. Bldg. Carol Gables, FL 33134	Ret. Mar. ch CA Aggregate Year-to-Date > 1,000	8/1/89	100
Theodore Klein 6351 SW 10TH Dr. Miami, FL 33156	Ret. Mar. ch CA Aggregate Year-to-Date > 1,000	8/1/89	500
Rebecca J. Poston 1541 Birchell Ave Miami, FL 33129	Ret. Mar. ch CA Aggregate Year-to-Date > 1,000	8/1/89	100
Sheila Green 222 R. Dupont St. Carol Gables, FL 33133	Ret. Mar. ch CA Aggregate Year-to-Date > 1,000	8/1/89	500
Irwin Fine 5460 SW 8th St Plantation, FL 33317	Ret. Mar. ch CA Aggregate Year-to-Date > 1,000	8/1/89	100

SUBTOTAL of Receipts (This Page Incomplete) 2,500

TOTAL This Period (All pages this line number only)

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SCHEDULE

ITEMIZED RECEIPTS

Do not check this box unless you are reporting on the Standard Summary Page

Form 52 PDR Label Number

Any information derived from such Reports and Statements may not be used by any person for the purpose of soliciting contributions or for campaign purposes, either direct or indirect, from any political committee to which contributions from such committees.

NAME OF COMMITTEE (in Full) **RICHMOND FOR CONGRESS # 131369**

R 7 7 1 3 9 3.0 : 7 2

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Barton S Goldberg 201 Arthur Godfrey Rd Miami Beach FL 33140	Jacobson Jewel Bene Atty	8/25	\$200.
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 300		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Norman M Giller 975 Arthur Godfrey Rd Miami Beach, FL 33140	ABCN	8/25	\$200.
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 500		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Carlton Lee Hunter 8460 SW 181st St. Miami, Florida 33157	Kelly, Joy, Warren Atty.	8/25	\$250.
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 450		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Steven A. Schultze 150 SE 2nd Ave. #1200 Miami, Florida 33131	Hunter & Schultze, P.A. Atty.	8/25	\$250
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 750		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Merger K. Clarke 100 Chopin Plaza #2400 Miami, Florida 33131	Kelly, Jim, Warren P.A. Atty.	8/25	\$100.
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 200		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Helen H. Dubbin 801 N. Venetian Drive Miami, Florida 33139	New World Shades of Arts Counselor	8/25	\$250
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 250		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Sherwood M. Weiser 3850 Mary Street Miami, Florida 33133	Continental Lawyers Attorney	8/25	\$1,500
Receipt For: <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 900		

SUBTOTAL of Receipts This Page (optional) 2750

TOTAL This Period (see page 516 line number only)

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SCHEDULE

ITEMIZED RECEIPTS

REPORT CATEGORY OF THE DONOR'S OCCUPATION

FOR LINE NUMBER

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

NAME OF COMMITTEE OR FUND

Richman For Congress # 131364

87313950573

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (Use Pen)
Donald E. Leffler 3250 Mary Street Coconut Grove, FL 33133	Hotel ...	8/25	\$1,500
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 1575-		
B. Full Name, Mailing Address and ZIP Code Russell E. Carlisle 1022 SE 12th Way Ft. Lauderdale, FL 33316	Name of Employer ATTY.	8/25	\$500.
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 500-		
C. Full Name, Mailing Address and ZIP Code Kenneth J. Stuart 1100 Fifth Ave. 507 New York, NY 10029	Name of Employer	8/25	\$100
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 100-		
D. Full Name, Mailing Address and ZIP Code Paul D. Friedman 6495 SW 14th Street Miami, Florida 33156	Name of Employer	8/25	\$175.
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 175-		
E. Full Name, Mailing Address and ZIP Code Jerry M. Markowitz 9130 S Dadeland Blvd. Miami, Florida 33156-1225	Name of Employer ATTY.	8/25	\$175
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 175-		
F. Full Name, Mailing Address and ZIP Code Candis Trusty 1717 N. Bayshore Dr. #1246 Miami, Florida 33132	Name of Employer	8/25	\$175
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 175-		
G. Full Name, Mailing Address and ZIP Code Bruce W. Atspach 1015 Dupont Plaza Ctr. Miami, FL 33131	Name of Employer Self Doctor	8/25	\$150
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 8 150-		

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SUBTOTAL of Receipts This Page (printed)	2775
TOTAL This Period (next page (do not number only))	

SCHEDULE **CONTRIBUTIONS TO FEDERAL CAMPAIGN FUNDS**

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

NAME OF COMMITTEE IN FULL **Richard For Congress #131369**

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Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (the Period)
Jules S. Cohen 808 N. Mills Ave Orlando, Florida 32803		8/25	\$100.
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 100	
Joseph J. Weisenthal 831 Co. Ave. #1 4-1-89 33134		8/25	\$250
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > 500	
William Ted Phelps 100 Stirling Ave. Winter Park, FL 32789		8/25	\$1000. LT
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Campaign Consultant	Aggregate Year-to-Date > 1000	
AJ Barranco, Jr. 50 West Flagler #1400 Miami, FL 33130		8/25	\$500.
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > 200	
Diane Swalney Smith 12800 SW 91st Court Miami, FL 33176		8/25	\$500.
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 500	
Seymour A. Seiler 8510 Force de Leon Road Miami, FL 33143		8/25	\$250 -
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > 250	

SUBTOTAL of Receipts This Page (optional) **2600**

TOTAL This Period from page 010 line number only

SCHEDULE A

ITEMIZED RECEIPTS

See separate schedule for each category of the preceding Summary Page

Page 29 of 105
FOR LINE 1040b

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NAME OF COMMITTEE to Pay *Richard for Congress #13,369*

0 7 9 1 3 8 1 3 0 7 9

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Warren U. Salomon 25 W. Flagler Street Miami, FL 33136 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation <i>ATTY</i> Aggregate Year-to-Date > 8 <i>470-</i>	8/25	\$200
Robert L. Tandler 1100 SW 118th St Miami, Florida 33156 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 8 <i>107-</i>	8/25	\$100
J. Thomas Hannan 101 The Embarcadero San Francisco, CA 94108 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 8 <i>257-</i>	8/25	\$1,000
Jerome J. Ryan 220 Morningside Dr. Miami Springs, FL 33166 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 8 <i>107-</i>	8/25	\$100
Sanford B. Miot 14853 SW 148th Circle Miami, Florida 33186 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 8 <i>107-</i>	8/25	\$1,000
Gary A. Chernal 12772 Stone Pine Way Wellington, FL 33414 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 8 <i>107-</i>	8/25	\$100
Harry A. Payton 1925 Brickell Ave. Apt. D-102 Miami, Florida 33129 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > 8 <i>470-</i>	8/25	\$400

SUBTOTAL of Receipts This Page (optional)	2900
TOTAL This Period (see page 28b line number only)	

Page number of the
Receipt Summary Page 62 of 99
Form Line Number

Any information obtained from such reporting and summaries may be disclosed or used by any person for the purpose of soliciting contributions or for campaign purposes, other than using the name and address of any political committee to solicit contributions from such contributors.

NAME OF CONTRIBUTOR (in Full)

Rutina for Congress #131369

8 9 7 1 3 0 5 0 2

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
W. Barry Blum 1239 Dickinson Dr. Coral Gables FL 33146 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: <u>Att'y</u> Aggregate Year-to-Date > 0 <u>1m-</u>	8/26	\$100
Robert E. Murard 1020 Hardee Rd. Coral Gables FL 33146 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: <u>Att'y</u> Aggregate Year-to-Date > 0 <u>1m-</u>	8/26	\$1000 L7
Stanford Blake #407 9200 South Dadeland Blvd Miami, Florida 33156 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: <u>Att'y</u> Aggregate Year-to-Date > 0 <u>1m-</u>	8/26	\$100
Benedict P. Kuehne P.O. Box 112514 Miami, Florida 33111 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: <u>Att'y</u> Aggregate Year-to-Date > 0 <u>250-</u>	9/26	\$250
Jon M. Ausman P.O. Box 1751, Tallahassee, FL 32302 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: Aggregate Year-to-Date > 0 <u>10-</u>	8/26	\$100
Dennis G. Kainen, Esq. 443 Ardour Ave. Coral Gables FL 33134 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: <u>Att'y</u> Aggregate Year-to-Date > 0 <u>5-</u>	8/26	\$50
Martin Raskin Grove Forest Plaza 2937 SW 22 Ave Coconut Grove, FL 33133-3103 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: <u>Att'y</u> Aggregate Year-to-Date > 0 <u>10-</u>	8/26	\$100

SUBTOTAL of Receipts This Page (optional) 1700

TOTAL This Period (see page 10 for line number only)

SCHEDULE A

ITEMIZED RECEIPTS

Information furnished to each category of the attached Summary Page

PAGE 195
66 FOR LINE NUMBER

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

NAME OF COMMITTEE OR FUND *Rubens for Congress #01369*

8 9 0 1 3 8 5 0 5 8 5

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
<i>R.O. Mayor 2000 SW 22nd Ave Miami, Florida 33155</i>	<i>Computer 221-0810</i>	<i>8/20</i>	<i>\$25</i>
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date <i>> 0 25-</i>		
<i>Dante U. Fiorini 800 Arvida Parkway Coral Gables, FL 33150</i>	<i>Developer</i>	<i>8/20</i>	<i>\$500</i>
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date <i>> 0 500-</i>		
<i>Dorothy H. St. Jean 1111 Biscayne Blvd. Miami, Florida 33161</i>		<i>8/20</i>	<i>\$100</i>
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date <i>> 0 100-</i>		
<i>Herbert Heftler</i>		<i>8/20</i>	<i>\$1000</i>
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date <i>> 0 1000-</i>		
<i>Melwin L. Pollock 250 Hammond Pond Pkwy Chestnut Hill, MA 02157</i>	<i>Continental Investors Corp.</i>	<i>8/20</i>	<i>\$500</i>
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date <i>> 0 500-</i>		
<i>Lawrence Helling 7001 NW 74th Ave Miami, FL 33140</i>	<i>Executive</i>	<i>8/20</i>	<i>\$250</i>
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date <i>> 0 250-</i>		

TOTAL of Receipts This Page (optional)	2575
TOTAL This Period (see page 616 line number only)	

CHEDULE A

ITEMIZED RECEIPTS

68 198
FOR LINE 10 (Schedule A)

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

NAME OF CONTRIBUTOR (in Full)

Richard for Congress #131309

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
Bess F. Rozen 5900 NW 4th St. #201 Lauderhill, FL 33319	Occupation 485-2475	8/20	\$25
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 0 50-		
Samuel M. Charin 5825 Collins Ave. #10F Miami Beach, FL 33140	Occupation	8/20	\$100
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 0 100-		
David W. Hedrick 1729 Reppard Road Orlando, FL 32803	David W. Hedrick 3900 N Orange Ave. Orlando, FL	8/20	\$1000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation ATTY Aggregate Year-to-Date > 0 1500-		
Edward Phillips 18598 Woodstream Dr. Boca Raton, FL 33498	Edward P. Phillips, P.A.	8/20	\$25
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation ATTY Aggregate Year-to-Date > 0 25-		
Herbert L. Gopman 709 E. Dillido Drive Miami Beach, FL 33139	Occupation 472-5207	8/20	\$50
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 0 150-		
Stephen D. Morgan PO Box 70 Haddonfield, NJ 08033	Occupation ATTY	8/20	\$1,000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 0 1000-		
Melvin C. Morgenstern 201 Alhambra Cr. #200 Coral Gables, FL 33134	Occupation 444-1400 ATTY	8/20	\$1000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Aggregate Year-to-Date > 0 1000-		

SUBTOTAL of Receipts This Page (optional) 3200

TOTAL This Period (see page 10 for number only)

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MODULE A

FINANCED RECEIPTS

Department of the
Treasury

POST LINE NUMBER

Any information reported 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

RECEIPTS FOR CONGRESS 0131360

A 7 7 1 3 8 0 3 1 7 5 2

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Rose A 1770 Collins Ave Miami Beach, FLA 33140	Rose Advertising	7/10	\$100 (in-kind)
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Advertising Exec	Aggregate Year-to-Date > \$ 200	Catching up
B. Full Name, Mailing Address and ZIP Code Charles Johnson 199 E. 101st St Coral Gables, FLA 33154	Name of Employer Self	Date (month, day, year) 7/14	Amount of Each Receipt this Period \$270 (in-kind)
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > \$ 1270	Catching up
C. Full Name, Mailing Address and ZIP Code Donald Johnson 1048 NW 26th St Miami, Fla	Name of Employer Self	Date (month, day, year) 7/14	Amount of Each Receipt this Period \$270 (in-kind)
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > \$ 270	Catching up
D. Full Name, Mailing Address and ZIP Code Fred Spiegel 21 Palm Ave Miami Beach, Fla 33139	Name of Employer Self	Date (month, day, year) 7/13	Amount of Each Receipt this Period \$100 (in-kind) LT
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > \$ 100	Catching up
E. Full Name, Mailing Address and ZIP Code Odetta & Daria Gialini 510 NW 20th Parkway Coral Gables Fla 33150	Name of Employer Self	Date (month, day, year) 7/27	Amount of Each Receipt this Period \$800 (in-kind)
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Bride	Aggregate Year-to-Date > \$ 3300	Catching up
F. Full Name, Mailing Address and ZIP Code Elsie & Gene Howard 4845 Lantana Drive Miami Beach Fla 33139	Name of Employer Self	Date (month, day, year) 7/27	Amount of Each Receipt this Period \$800 (in-kind)
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > \$ 800	Catching up
G. Full Name, Mailing Address and ZIP Code Rose Scherbel 215 N. Collins Ave Miami Beach Fla 33139	Name of Employer	Date (month, day, year) 7/20	Amount of Each Receipt this Period \$100 (in-kind)
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Attorney	Aggregate Year-to-Date > \$ 100	Catching up

SUBTOTAL of Receipts This Page (printed) 3,340

TOTAL This Period (fill page 010 line number only)

DATE: 08 19
FOR LINE NUMBER

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NAME OF COMMITTEE (in Full)
RECEIPT FOR CONGRESS 0131369

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A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
August & Rosalyn Weiss 4 Island Ave Miami Beach, Fla 33519 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Company: Retired Aggregate Year-to-Date > \$ 1000 -	7/17	\$1000 in-kind Catering, City
B. Full Name, Mailing Address and ZIP Code Claudia Lawrence 4501 Adams Ave Miami Beach, FL 33140 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Company: Aggregate Year-to-Date > \$ 500 -	7/15	\$500 in-kind Catering, City
C. Full Name, Mailing Address and ZIP Code Joel Rosenthal 9301 NE 5th Ave Miami, Fla Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer: Courthouse Company: Aggregate Year-to-Date > \$ 250 -	8/13	\$250 in-kind Catering
D. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Company: Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
E. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Company: Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
F. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Company: Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
G. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Company: Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (attached) 1,200.-
 TOTAL This Period (see page 016 line number only) 212,408.-

Do not check off this category of the (Special) Summary Page

Page 1/13
High Lines Page: 116

FRANZIS HENRY'S
Carter Center
Political Action Committee

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NAME OF COMMITTEE In Full

Richard For Congress #12369

R 7 3 1 4 3 8 5 3 2 2 4

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
NARAL-PAC 1111 14 Street NW, 5 Floor Washington DC 20005 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Aggregate Year-to-Date > \$5000	8/23	\$5000
Human Rights Campaign Fund PO Box 1596 Washington DC 20013 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$5000	8/23	\$5000
Florida Democratic Party PO Box 1758 Tallahassee FL 32302 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$5000	8/23	\$5000
Susan Dade County Women's Political Caucus 115 S. Shore Dr. #50 Miami Beach FL Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$299	8/23	\$299
DNC Services Corp 420 S Capitol Street SE Washington DC 20003 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$5000	8/24	\$5000
Victory 89 Federal Account 175 NW 1 Ave Miami FL 33128 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$13360	8/24 9/8	\$11,000 - 2,360 -
CONGRESSMAN FRAZ CAMPAIGN 431 J STREET - 4th Floor Sacramento, CA 95814 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$1000	8/25/89	1,000 -

SUBTOTAL of Receipts This Page (append)	34,659 -
TOTAL This Period (see page one line number only)	

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**SCHEDULE A
PAC**

**ITEMIZED RECEIPTS
CONTRIBUTORS
Political Action Committee**

Do not duplicate information
for each category of the
Detailed Summary Page

FOR LINE NUMBER
11(C)
11(C)

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NAME OF COMMITTEE (in Full)

RICHMAN FOR CONGRESS #131369

8 1 3 1 3 9 5 0 ; 2 3

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
Washington Political Action Comm 444 N Capitol Street NW Suite 712 Washington DC 20001		8/24	\$1000
Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Occupation	Aggregate Year-to-Date > \$ 1000	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
Gold Coast P.A.C. PO Box 17355 Ft Lauderdale FL 33318		8/24	\$ 500
Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Occupation	Aggregate Year-to-Date > \$ 500	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
ABC Ballot Club UFCW 1775 K STREET NW Washington DC 20006		8/24	\$ 5000
Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Occupation	Aggregate Year-to-Date > \$ 5000	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
National Bipartisan - PAC 1030 Fifteenth St NW Sub 408 Washington DC 20005		8/24	\$250
Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Occupation	Aggregate Year-to-Date > \$ 250	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
Nat'l Committee to Preserve Social Security PAC 3151 Arroyo Ave, N-1 Costa Mesa CA 92626		8/24	\$2500
Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Occupation	Aggregate Year-to-Date > \$ 2500	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
Bakery Confectionery - Tobacco Workers Int'l Union - PAC 10401 Connecticut Ave Reston VA 20190-3961		8/24	\$1500
Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Occupation	Aggregate Year-to-Date > \$ 1500	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
ACTWU - PAC 15 Union Square New York NY 10003		8/24	\$ 2000
Receipt For: <input type="checkbox"/> Other (specify): <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	Occupation	Aggregate Year-to-Date > \$ 4000	

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SUBTOTAL of Receipts This Page (optional) 12,750.00

TOTAL This Period (see page 416 line number only)

Contributions From Political Action Committees

116
116

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

NAME OF COMMITTEE (in Full)

Richard For Congress # 131289

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
APWU - PAC 1300 L Street NW Washington DC 20005 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	8/24	\$1000 \$4000
Aggregate Year-to-Date > \$5000			
B. Full Name, Mailing Address and ZIP Code English Language PAC P.O. Box 9558 Washington DC 20016 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
	Occupation	8/24	\$5000
Aggregate Year-to-Date > \$5000			
C. Full Name, Mailing Address and ZIP Code Peace Political Action Comm 20 Park Plaza Boston MA 02116 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
	Occupation	8/24	\$1000
Aggregate Year-to-Date > \$1000			
D. Full Name, Mailing Address and ZIP Code Carpenter Leq. Improv. Comm. 101 Constitution Ave NW Washington DC 20001 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
	Occupation	8/24	\$5000
Aggregate Year-to-Date > \$5000			
E. Full Name, Mailing Address and ZIP Code Machinists Non Partisan Pol. mod 1300 Connecticut Ave NW Washington DC 20036 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
	Occupation	8/24	\$5000
Aggregate Year-to-Date > \$5000			
F. Full Name, Mailing Address and ZIP Code American Fed. of State, Cty, & Municipal Employees AFLEIO 1625 L Street, NW, Washington DC 20036 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
	Occupation	8/25	\$5,000
Aggregate Year-to-Date > \$5000			
G. Full Name, Mailing Address and ZIP Code Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer	Date (month, day, year)	Amount of Each Receipt (this Period)
	Occupation		
Aggregate Year-to-Date > \$			

87713050:24

SUBTOTAL of Receipts This Page (optional) 26,000 -

TOTAL This Period (see page 010 line number only)

Any information reported here must be true and correct. It is the responsibility of the donor to provide any person for the purpose of collecting contributions or for other purposes, other than using the name and address of any political committee to obtain contributions from such persons.

NAME OF CONTRIBUTOR IN FULL

Richard Fox Congress # 19264

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A. Full Name, Mailing Address and ZIP Code
 Communication Workers of America
 1035 K Street NW
 Washington, D.C. 20006

Receipt For: Primary General
 Other (specify):

Name of Employer
 Occupation
 Date (month, day, year) 8/25
 Amount of Each Receipt this Period \$2,000

Aggregate Year-to-Date > \$2,000

B. Full Name, Mailing Address and ZIP Code

Receipt For: Primary General
 Other (specify):

Name of Employer
 Occupation
 Date (month, day, year)
 Amount of Each Receipt this Period

Aggregate Year-to-Date > 0

C. Full Name, Mailing Address and ZIP Code
 Voters for Choice Friends of Family Planning
 2000 P St. NW
 Washington, D.C. 20036

Receipt For: Primary General
 Other (specify):

Name of Employer
 Occupation
 Date (month, day, year) 8/25
 Amount of Each Receipt this Period \$5,000

Aggregate Year-to-Date > \$5,000

D. Full Name, Mailing Address and ZIP Code
 Firefighters Interested in Registration & Education Political Action Committee

Receipt For: Primary General
 Other (specify):

Name of Employer
 Occupation
 Date (month, day, year) 8/25
 Amount of Each Receipt this Period \$1,000

Aggregate Year-to-Date > \$1,000

E. Full Name, Mailing Address and ZIP Code
 Carpenters' Legislative Improvement Committee
 101 Constitution Ave. NW

Receipt For: Primary General
 Other (specify):

Name of Employer
 Occupation
 Date (month, day, year) 8/25
 Amount of Each Receipt this Period \$2,500

Aggregate Year-to-Date > \$2,500

F. Full Name, Mailing Address and ZIP Code
 NARFE - PAC (Retired Federal Employees)
 1533 New Hampshire Ave
 Washington, D.C. 20036

Receipt For: Primary General
 Other (specify):

Name of Employer
 Occupation
 Date (month, day, year) 8/25
 Amount of Each Receipt this Period \$3,000

Aggregate Year-to-Date > \$3,000

G. Full Name, Mailing Address and ZIP Code
 Democratic Black Caucus of Ft. Dade Chapter
 P.O. Box 470518 Miami, FL 33247

Receipt For: Primary General
 Other (specify):

Name of Employer
 Occupation
 Date (month, day, year) 8/25
 Amount of Each Receipt this Period \$100

Aggregate Year-to-Date > \$100

SUBTOTAL of Receipts This Page (printed) 13,600 -

TOTAL This Period (fill page with line number only)

Political Action Committee

FOR LINE 11 (c)

Any information reported from such Reports and Statements may not be used for the purpose of collecting contributions or for other purposes, other than using the name and address of any political committee to which contributions from such committees.

NAME OF COMMITTEE TO FILE

RICHMAN FOR CONGRESS #131369

8 7 7 1 3 8 5 0 ; 2 5

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Sierra Club Committee on Political Education 730 Park Street, CA 94109		8/25	\$2000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$3,000	LT
United Association Local 725 Pipefitters 12185 NW 45th Ave Opa Locka, FL 33084		8/25	\$1,000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$1,000	LT
ANA - PAC 1101-14th St. NW, #200 Washington, D.C. 20005		8/20	\$1,000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$1,000	LT
OPEN CHALLENGE CANDIDATE FUND 403 First St. SE Washington, D.C. 20003		8/20	\$500
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$1,000	
Drive Political Fund 25 Louisiana Ave, NW Washington, D.C. 20001		8/20	\$5,000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$4,000	LT
Campaign Account of Generabank, Political Action Committee	1200 Ponce de Leon Blvd., Coral Gables	8/20	\$1,000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$1,000	LT
Responsible Citizens Political League 3 Research Place Rockville, Maryland 20850		8/20	\$1,000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$1,000	LT

SUBTOTAL of Receipts This Page (optional) \$1,500.00

TOTAL This Period (see page this line number only)

SCHEDULE PAC FROM ITEMIZED RECEIPTS

No reports submitted for each category of the General Summary Page

Page 9 119
Form Line Number R
11(c)

Any information stated 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 (If Full)

Richard for Congress # 121301

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R

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Cuban American Coalition Inc PO Box 143746 Coral Gables FL 33114		8/26	\$1000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$1000	LT
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Nat'l Education Assoc PAC 1201 - 16 ST NW Washington DC 20036		8/28	\$5000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$5000	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Open Challenge Card. Fund 403 First Street SE Washington DC 20003		8/28	\$500
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$1000	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Robert A Farmer For Treasurer		8/28	\$1000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$1000	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
AFSCHE- 1625 L Street NW Washington DC 20036		8/28	\$5000
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$10000	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Joint Action Committee For Political Affairs		8/28	\$500
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$500	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
U.S.-T.-PAC 100 West Putnam Avenue Greenwich, CT 06830		8/28	\$2500
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$2500	

SUBTOTAL of Receipts This Page (continued)

15,500.00

Any information copied from such Reports and Examinations may not be sold or used by the 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 contributors.

NAME OF COMMITTEE In Full

RICHMAN FOR CONGRESS 0131360

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
DEMOCRATIC NATIONAL 20 July St Wash, DC	Occupation Aggregate Year-to-Date > \$ 3,000.00	8/25/89	5,000-
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date (month, day, year)	Amount of Each Receipt this Period

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SUBTOTAL of Receipts This Page (optional)	5,000-
TOTAL This Period (next page (this line number only))	5,000-

TABLE A
 THIS PAGE OR CONTINUED BY THE DONOR

Information on each Report and Statement may not be sold or used by any person for the purpose of making contributions or for commercial gain, other than using the name and address of any political committee to which contributions from such committee.

NAME OF COMMITTEE (in Full)

RECEIPT FOR CONGRESS 0131369

09013050330

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
UNITED NATIONAL BANK 44 W. FLAGLER ST MIAMI, FL 33131 Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): <u>LOAN</u>	Occupation Aggregate Year-to-Date > \$	8/16/89	50,000.00
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Aggregate Year-to-Date > \$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Aggregate Year-to-Date > \$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Aggregate Year-to-Date > \$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Aggregate Year-to-Date > \$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Aggregate Year-to-Date > \$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Aggregate Year-to-Date > \$		
SUBTOTAL of Receipts This Page (optional)			50,000 -
TOTAL This Period (last page this line number only)			50,000 -

Name of Committee (in Full) GERALD F. RICHMAN FOR CONGRESS		①131369	
A. Full Name, Mailing Address and ZIP Code of Loan Source Gerald F. Richman 135 Palm Avenue Miami Beach, Fl 33139		Original Amount \$100,000.00	Cumulative Payments To Date -0-
Source: Personal funds		75,000.00	-0-
		50,000.00	-0-
Balance Outstanding at Close of This Period \$100,000.00			75,000.00
			50,000.00
Terms: Date Insured _____ Date Due _____ Interest Rate 20.5% (Report) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code RICHMAN FOR CONGRESS 2208 Collins Avenue Miami Beach, Fl 33139	Name of Employer _____	Occupation _____	Amount Guaranteed Outstanding \$ _____
2. Full Name, Mailing Address and ZIP Code _____	Name of Employer _____	Occupation _____	Amount Guaranteed Outstanding \$ _____
3. Full Name, Mailing Address and ZIP Code _____	Name of Employer _____	Occupation _____	Amount Guaranteed Outstanding \$ _____
B. Full Name, Mailing Address and ZIP Code of Loan Source UNITED NATIONAL BANK 44 W. FLAGLER ST MIAMI, FL 33130		Original Amount of Loan 50,000 -	Cumulative Payments To Date - - -
Balance Outstanding at Close of This Period 50,000 -			
Terms: Date Insured 1/14/89 Date Due 01/9/89 Interest Rate 10.5% (Report) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code GWEN RICHA... 135 Palm Avenue Miami Beach, Fl 33139	Name of Employer NONE	Occupation DISPATCHER	Amount Guaranteed Outstanding \$ 50,000.00
2. Full Name, Mailing Address and ZIP Code _____	Name of Employer _____	Occupation _____	Amount Guaranteed Outstanding \$ _____
3. Full Name, Mailing Address and ZIP Code _____	Name of Employer _____	Occupation _____	Amount Guaranteed Outstanding \$ _____
SUBTOTALS This Period This Page (include all)		50,000 -	
TOTALS This Period (last page in this file only)		50,000 -	
Carry outstanding balance only to LINE 2, Schedule B, for this line. If on Schedule B, carry forward to appropriate line of Summary.			

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 2-2-89

LT



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

89-5

NOV 3 1989

Gerald Richman, Treasurer
Gerald F. Richman for Congress
175 NW 1st Avenue, 26th Floor
Miami, FL 33128

Identification Number: C00237362

Reference: 12 Day Pre-Special Report (7/27/89-8/9/89)

Dear Mr. Richman:

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 itemisation follows:

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Special Report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to make concerning this matter will be taken into consideration. (11 CFR §104.5(f))

Any amendment or clarification should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515. 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,

Linda Tangney
Linda Tangney
Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20541

BQ-2

NOV 7 1989

Gerald F. Richman, Treasurer
Gerald F. Richman for Congress
175 NW 1st Avenue, 26th Floor
Miami, FL 33128

Identification Number: C00237362

Reference: 30 Day Post-Special Report (8/10/89-9/18/89)

Dear Mr. Richman:

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 attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. No individual or political committee other than a qualified multicandidate committee may make contributions to a candidate for federal office in excess of \$1,000 per election. Additionally, a multicandidate committee may not make a contribution to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, endorsement, advance or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. §441(a) and (f); 11 CFR §110.1(b) and (e))

If the contribution(s) in question was incompletely or incorrectly reported, you should amend your original report with the clarifying information. If the contribution(s) you received exceeds the limit, you should either refund to the donor(s) the amount in excess of \$1,000 or \$5,000 per election or get the donor(s) to redesignate the contribution(s) in writing. The Commission should be notified if a refund is necessary. Refunds are reported on Line 20 of the Detailed Summary Page and on Schedule B of the report covering the period in which the refund is made. Redesignations are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation is received. (11 CFR §104.8(d)(2) and (4))

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Although the Commission may take further legal steps, prompt action by you to refund or seek redesignation of the excessive amount(s) will be taken into consideration.

-All contributions received by your committee from 8/10/89 through 9/18/89 are required to be reported on this report. Your committee filed a 48 hour notice disclosing a "last minute" contribution from Bernard Wilson on 8/18/89. This contribution does not appear on a Schedule A of this report. Please amend your report to include this contribution or provide an explanation of this apparent discrepancy.

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-General report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. Although the Commission may take legal action, any response you wish to make concerning this matter will be taken into consideration. (11 CFR §104.5(f))

-For future reports, please be advised that you should provide the complete name of any political committee that has contributed to your committee. Reporting only the name of the connected organization is not adequate.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, DC 20515 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,

Linda Tangney
Linda Tangney
Reports Analyst
Reports Analysis Division

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HAND DELIVERED

OVER 2 REPLY & RETURN

NOV 16 1989

HAND DELIVERED

FLOYD PEARSON RICHARD GREENER ZACK & BRUNBAUGH

09 DEC 13 PM 1:05

COURTHOUSE CENTER
TWENTY SEVEN FLOOR
675 G ST NW
WASHINGTON, DC 20001-4517

202 373-6000

GROUND 202 623-4997

TELEX 820000-TRAL

FAX 373-6000

131369

CHARLES A. BRUNBAUGH
OF BRUNBAUGH, ZACK & GREENER

CHARLES A. BRUNBAUGH
OF BRUNBAUGH, ZACK & GREENER
1111 E 9TH ST
S.W.
WASHINGTON, DC 20003
202 873 0000

ROBERT A. PEARSON
OF PEARSON, RICHARDSON
& GREENER
1111 E 9TH ST
S.W.
WASHINGTON, DC 20003
202 873 0000

ROBERT A. BRUNBAUGH
OF BRUNBAUGH, ZACK & GREENER
1111 E 9TH ST
S.W.
WASHINGTON, DC 20003
202 873 0000

December 12, 1989

Ms. Lirda Tangney
Federal Election Commission
Reports Analysis Division
Washington, D.C. 20463

Re: 30 Day Post Special Report (8-10-89 to 9-18-89)

Dear Ms. Tangney:

I am in receipt of your November 30th and December 5th letters requesting additional information about our 30 Day Post Special Report. As I indicated to you during our two phone conversations in November, we were gathering the data with which to bring our report into compliance. I personally apologize for the tardiness of our response.

The following comments will address your requests on an item by item basis:

1. The Klock contribution - Enclosed is a copy of Mr. Klock's \$2,000 check on which he has designated \$1000 to be reported in his name (JPK), and the other \$1000 to be reported in the name of his wife, Susan Girsch (SNG). This was mis-reported on our original report as a \$2000 contribution from Mr. Klock.
2. The DNC contributions - Mr. Brian Foucart, Director of Compliance for the DNC, has confirmed that the 8-22-89 \$5000 contribution was a runoff contribution, while the 8-24-89 \$5000 wire transfer was a general election contribution. The 8-22-89 contribution was mis-reported on our original Schedule A as designated for the general election.
3. The "Bernard Wilson" contribution - This contribution was reported on a "48 hour" notice filing of 8-18-89. On this "last minute" filing the contributor's name was misspelled. His correct name, Bernard Wolfson, was subsequently misreported on 8-21-89

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December 12, 1989
Page 2

instead of 8-18-89. You will find his contribution recorded on Schedule A, page 26.

4. The missing 48 hour notices - Apparently, no 48 hour notices of "last minute" contributions were filed on 8-25-89 and 8-26-89. This oversight can unfortunately be attributed to a secretarial oversight due to the intense pressure generated in the final days of the campaign. Hopefully, you will note that throughout this brief, uniquely intense 10 week period encompassing three distinct special elections, which required the voters to go to the polls an incredible three times in four weeks, our committee has at all times acted in good faith in our attempts to meet FEC compliance. Our efforts have included filing of all prior 48 hour notices and detailed reporting concerning our contributions and expenditures. Further, our deputy Treasurer Fran Groverman and I have had repeated phone conversations with your office in order to assure compliance to the best of our ability.

5. The Carpenter's Legislative Improvement Committee - The initial \$5000 contribution on 8-24-89 was misreported for the general election and should have been reported as applied to the runoff election. The subsequent \$2500 contribution on 8-25-89 was correctly reported for the general election.

6. Mr. William Huggett - His initial \$1000 contribution on 8-21-89 was misreported for the general election and should have been reported as applied to the runoff election. The subsequent \$350 contribution on 8-30-89 was correctly reported for the general election.

7. Mr. Robert C. Floyd - His initial \$1000 contribution on 6-22-89 was correctly reported for the primary election. However, his subsequent \$1000 contribution on 8-4-89 was misreported for the primary and should have been applied to the runoff election.

8. Victory 89 Federal Committee - We have amended our Statement of Organization and Statement of Candidacy to authorize Victory 89 Federal Committee as an affiliated fundraising committee for Richman for Congress effective July 31, 1989. Please note the "Memo Entry" on the attached Schedule A for a detailed listing of contributors from Victory 89.

9. In-Kind Expenditures - A detailed review of our campaign records has revealed in-kind contributions which were inadvertently omitted from our original reports. These are generally in the category of catering and other services contributed in-kind to the campaign. I have listed these contributions on an attached Schedule A.

SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

RAD Referral: 90L-3
Staff Member: Xavier K. McDonnell

90 MAR 15 AM 9:15

RECEIVED
FEDERAL ELECTION COMMISSION

SOURCE OF MUR: Internally Generated

RESPONDENTS: The Richman for Congress Committee,
and Gerald F. Richman, treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(6)
11 C.F.R. § 104.5(f)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Richman for Congress Committee (the "Committee") to the Office of General Counsel, for failing to report within 48 hours of receipt 33 contributions totaling \$158,000, which were in excess of \$1,000, and which were received after the 20th day, but more than 48 hours before three special elections. 2 U.S.C. § 434(a)(6)(A).¹

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act") provides that the principal campaign committee of a candidate shall notify the Clerk, the Secretary, or the Commission, and the Secretary of State, as appropriate, in

1. Mr. Richman, the former candidate, became treasurer on October 3, 1989. Myron Stayman served as treasurer from July 4, 1989 through October 2, 1989, and was the treasurer when the apparent 48 hour notification violations occurred.

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writing, of any contribution of \$1,000 or more received by an authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A) The Act requires that the notification be made within 48 hours of receipt of the contribution, and that it include the name of the candidate, the office sought, the identification of the contributor, the date of receipt and the amount. This 48 hour notification requirement is in addition to all other reporting requirements under the Act. 2 U.S.C. § 434(a)(6)(B). In the case of an individual, the term "identification" is defined as the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer. 2 U.S.C. § 431(13)(A). In the case of any other "person", including a committee, "identification" means the full name and address of such person. 2 U.S.C. § 434(13)(B).

Under the Act, the term contribution includes any gift, subscription, loan, loan endorsement, advance or deposit or anything of value made by any person for the purpose of influencing any election for federal office. 2 U.S.C. § 431(8)(A)(i). Bank loans which are made in accordance with applicable law and in the ordinary course of business are excluded from the definition of contributions, and are therefore not contributions by the bank. 2 U.S.C. § 431(8)(B)(vii). However, bank loans are considered contributions by each endorser or

2104031970

guarantor. 2 U.S.C. § 431(8)(B)(vii)(I).²

Gerald F. Richman was a candidate in three special elections which were held during the 1989 race for the Eighteenth (18th) Congressional District in Florida. The three pertinent elections were the Special Primary Election, held on August 1, 1989, the Special Runoff Election, held on August 15, 1989, and the Special General Election, held on August 29, 1989. In order to comply with the 48 hour reporting requirement during these three elections, the Committee was required to report within 48 hours of receipt all contributions of \$1,000 or more received from July 13 through August 26, 1989.³

The Committee's reports disclose the receipt of 33 contributions of \$1,000 or more received from July 13, 1989 through August 26, 1989, which were apparently not reported within 48 hours of receipt. Specifically, the Committee's Special Pre-General Election Report discloses the receipt of a \$50,000 loan from the candidate made on August 8, 1989, and a \$1,000 in-kind contribution, made on August 9, 1989. The Committee's Special Post-General Election Report indicates that on August 16, 1989, it received a \$50,000 bank loan which was endorsed by the candidate. Finally, that Report also discloses that from July 13,

2. The Act also provides that an authorized committee must disclose in its reports all contributions from the candidate, all loans made by or guaranteed by the candidate and any other loans. 2 U.S.C. § 434(b)(2)(B), (G) and (H).

3. In a notice sent to the Committee on June 26, 1989, the Commission disclosed in detail each committee's reporting requirements during these special elections, and included a statement pertaining to the 48 hour notification requirement of Section 434(a)(6)(A).

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1989 through August 26, 1989, the Committee received 30 contributions of \$1,000 or more, which totaled \$57,000.⁴

In addition, it appears that 14 of the 48 hour reports which were filed by the Committee did not "identify" the contributors, and therefore did not comply with 2 U.S.C. § 434(a)(6)(A). Specifically, between August 1 and August 25, 1989, the Committee filed 14 reports which disclosed the receipt of a total of \$207,500 in contributions from individuals and committees of \$1,000 or more received after the 20th day but more than 48 hours before one of these three special elections. These reports, sent by telegram, listed the candidate's name, the date of receipt, the amount of the contribution and the name of the contributor. These reports did not include the employer name, the mailing address and the occupation of each individual contributor, and they did not include the full name and address of other persons. Therefore, they did not "identify" each contributor, and did not comply with Section 434(a)(6)(A). 2 U.S.C § 431(13)(A),(B).

Accordingly, the Office of General Counsel recommends that the Commission find reason to believe that the Richman for Congress Committee, and Gerald F. Richman, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to report within 48 hours of receipt contributions received after the 20th day but more than

4. Mr. Richman attributed the failure to report within 48 hours many of the last minute contributions to "secretarial oversight due to the intense pressure generated in the final days of the campaign," and he asserted that the Committee acted at all times in good faith to meet the Act's requirements. While these factors may be considered in mitigation, they do not negate the apparent violation.

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48 hours before an election.

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe the Richman for Congress Committee, and Gerald F. Richman, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).
3. Approve the attached Letter and Factual and Legal Analysis.

Lawrence M. Noble
General Counsel

3/14/90
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials and additional Committee Reports
2. Factual and Legal Analysis
3. Proposed Letter

Staff person: Xavier K. McDonnell

21040831973

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Richman for Congress Committee,)
and Gerald F. Richman, treasurer)

RAD Referral 90L-3

(MUR)
3044

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 30, 1990, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 90L-3:

1. Open a MUR.
2. Find reason to believe the Richman for Congress Committee, and Gerald F. Richman, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).
3. Approve the Letter and Factual and Legal Analysis, as recommended in the General Counsel's report dated March 14, 1990.

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

Attest:

3-30-90

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Thurs., Mar. 15, 1990	9:46 a.m.
Circulated to the Commission:	Thurs., Mar. 15, 1990	4:00 p.m.
Deadline for vote:	Friday, Mar. 30, 1990	4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 1990

Gerald F. Richman
Richman for Congress Committee
175 N.W. 1st Avenue
26th Floor
Miami, FL. 33128

RE: MUR 3044
Richman for Congress Committee, and
Gerald F. Richman, as treasurer

Dear Mr. Richman:

On March 30, 1990, the Federal Election Commission found that there is reason to believe that the Richman for Congress Committee (the "Committee"), and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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

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

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

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Gerald F. Richman
Page 2

declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the 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 Xavier K. McDonnell, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


Lee Ann Elliott
Chairman

Enclosures

1. Factual and Legal Analysis
2. Procedures
3. Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3044

**RESPONDENTS: The Richman for Congress Committee,
and Gerald F. Richman, as treasurer**

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Richman for Congress Committee (the "Committee") to the Office of General Counsel, for failing to report within 48 hours of receipt 33 contributions totaling \$158,000, which were for \$1,000 or more and which were received after the 20th day, but more than 48 hours before three special elections. 2 U.S.C. § 434(a)(6)(A).

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act") provides that the principal campaign committee of a candidate shall notify the Clerk, the Secretary, or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of \$1,000 or more received by an authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A) The Act requires that the notification be made within 48 hours of receipt of the contribution, and that it include the name of the candidate, the office sought, the identification of the contributor, the date of receipt and the amount. This 48 hour notification requirement is in addition to all other reporting requirements under the Act. 2 U.S.C. § 434(a)(6)(B). In the case of an individual, the term "identification" is defined as the

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name, the mailing address, and the occupation of such individual, as well as the name of his or her employer. 2 U.S.C.

§ 431(13)(A). In the case of any other "person", including a committee, "identification" means the full name and address.

2 U.S.C. § 431(13)(B).

Under the Act, the term contribution includes any gift, subscription, loan, loan endorsement, advance or deposit or anything of value made by any person for the purpose of influencing any election for federal office. 2 U.S.C.

§ 431(8)(A)(i). Bank loans which are made in accordance with applicable law and in the ordinary course of business are excluded from the definition of contributions, and are therefore not contributions by the bank. 2 U.S.C. § 431(8)(B)(vii). However, bank loans are considered contributions by each endorser or guarantor. 2 U.S.C. § 431(8)(B)(vii)(I).

Gerald F. Richman was a candidate in three special elections which were held during the 1989 race for the Eighteenth (18th) Congressional District in Florida. The three pertinent elections were the Special Primary Election, held on August 1, 1989, the Special Runoff Election, held on August 15, 1989, and the Special General Election, held on August 29, 1989. In order to comply with the 48 hour reporting requirement during these three elections, the Committee was required to report within 48 hours of receipt all contributions of \$1,000 or more received from July 13 through August 26, 1989.

The Committee's reports disclose the receipt of 33 contributions of \$1,000 or more received from July 13, 1989

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through August 26, 1989, which were apparently not reported within 48 hours of receipt. Specifically, the Committee's Special Pre-General Election Report discloses the receipt of a \$50,000 loan from the candidate made on August 8, 1989, and a \$1,000 in-kind contribution, made on August 9, 1989. The Committee's Special Post-General Election Report indicates that on August 16, 1989, it received a \$50,000 bank loan which was endorsed by the candidate. Finally, that Report also discloses that from July 13, 1989 through August 26, 1989, the Committee received 30 contributions of \$1,000 or more, which totaled \$57,000.

In addition, it appears that 14 of the 48 hour reports which were filed by the Committee did not "identify" the contributors, and therefore did not comply with 2 U.S.C. § 434(a)(6)(A). Specifically, between August 1 and August 25, 1989, the Committee filed 14 reports which disclosed the receipt of a total of \$207,500 in contributions from individuals and committees of \$1,000 or more received after the 20th day but more than 48 hours before one of these three special elections. These reports, sent by telegram, listed the candidate's name, the date of receipt, the amount of the contribution and the name of the contributor.

These reports did not include the employer name, the mailing address and the occupation of each individual contributor, and did not include the full name and address of other "persons." Therefore, they did not "identify" each contributor and do not appear to comply with the requirements of 2 U.S.C. § 434(a)(6)(A). 2 U.S.C § 431(13)(A),(B). Accordingly, there is reason to believe that the Richman for Congress Committee, and Gerald F. Richman, as

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treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to report within 48 hours of receipt contributions of \$1,000 or more received after the 20th day but more than 48 hours before an election.

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LAW OFFICES

FLOYD PEARSON RICHMAN GREER WEIL ZACK & BRUMBAUGH

PROFESSIONAL ASSOCIATION
COURTHOUSE CENTER
TWENTY-SIXTH FLOOR
175 N.W. FIRST AVENUE
MIAMI, FL 33129-1817

305 373-4000

BROWARD 305 523-4887

TELEX 229098-TRIAL

FAX 373-4000

ROBERT L. FLOYD
RAY H. PEARSON
GERALD F. RICHMAN
ALAN S. GREER
KENNETH J. WEIL
STEPHEN N. ZACK
JOHN M. BRUMBAUGH
BERTHA CLAIRE LEE
ANDREW J. MIRABITO
S. DANIEL RONCE
BRUCE A. CHRISTENSEN
SCOTT S. SHEPHERD
HERMAN J. RUBENMANNO
CHARLES H. JOHNSON
THOMAS HEERS
DEBRA WEISS GOODSTONE
SCOTT JAY FESER
GARY S. BEYENSKY
DIANE WAGNER KATZEN

MICHAEL A. HANSMAN
GALLY R. DOERNER
ROBERT J. FIORE
SUSAN R. LABASHY
ROBERT G. LEVINE
MICHAEL A. SCHREIBER
MICHAEL E. GRIBEN
NICOLE A. MARAGINI
BETH F. SLOAN
ROBERT J. BORRELLO
MICHAEL L. STONBERG
PAUL M. BUNKE
ESTHER A. ZAPATA
DONNA J. KATOS
LILLIAN VALDESFINO
DAVID F. HERMAN
BETH A. HONOWITZ

CHARLES A. INTIAGO
OF COUNSEL - MIAMI

WARREN L. MILLER, P.C.
OF COUNSEL - D.C.
SUITE 1000
1800 18th ST. NW
WASHINGTON, D.C. 20036
305 223-8888

MEMBER TO PRACTICE IN
WASHINGTON, D.C.
AND
VIRGINIA ONLY

April 20, 1990

TELECOPIED TO 202-376-5289

Lee Ann Elliott, Chairman
Attn: James Brown
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3044
Richman for Congress Committee and Gerald
F. Richman, Treasurer

Dear Ms. Elliott:

Pursuant to your letter of April 4, 1990, which I received on April 9, 1990, I would respectfully request an extension of twenty (20) days in which to respond to the letter. My reason for requesting the extension is that since receipt of the letter I have been seeking to both gather information and obtain counsel but have been delayed in doing so because of professional responsibilities including the preparation for a four week federal civil trial for which I have been on 48 hour standby notice since April 16, 1990. That trial involves claims of an excess of \$50 million dollars and witnesses from as far away as the Middle East.

In addition, I have virtually no personal knowledge of the matters set forth in the letter because of the unique pressure of the special election campaign, in which without any prior political candidate experience, I had three elections within a four week period of time and accordingly had to rely entirely upon my campaign managers with respect to the reporting details. I had repeatedly been assured that the matter was as much humanly under control as possible given the unique circumstances of the campaign and did not become aware of any of the questions raised in your letter until sometime after the campaign had ended. Since receipt of the letter by me I was not able to reach one of my campaign managers, Mr. Tom Alberts, immediately and there was some time lost in having it brought to his attention and having him respond to me

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April 20, 1990
Page 2

that the appropriate course of action was to make arrangements for other counsel who is familiar with the handling of these matters which I have done today. My understanding is, although I have not been able to speak with him directly yet, that Mr. Bauer will be filing an appearance on my behalf and we will then move as expeditiously as possible to get the information in his hands so that he can file an appropriate response.

Thank you for your consideration in this request for extension.

Sincerely yours,



Gerald F. Richman

GFR:dab

cc: Mr. Bauer

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 23, 1990

Gerald F. Richman
Richman for Congress Committee
CourtHouse Center
Twenty-Sixth Floor
175 N.W. 1st Avenue
Miami, Florida 33128-1817

RE: MUR 3044
Richman for Congress Committee
and Gerald F. Richman, as treasurer

Dear Mr. Richman:

This is in response to your letter received on April 20, 1990, requesting an extension of 20 days to respond to the Federal Election Commission's notice that there is reason to believe the Richman for Congress Committee (the "Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6)(A). After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on May 14, 1990.

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

Sincerely

A handwritten signature in cursive script, appearing to read "Lisa E. Klein".

Lisa E. Klein
Assistant General Counsel

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PERKINS COIE

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

May 2, 1990

Xavier K. McDonnell
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY -2 PM 3:07

Re: MUR 3044 - Richman for Congress,
and Gerald F. Richman, as Treasurer

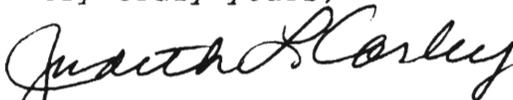
Dear Mr. McDonnell:

Please find enclosed a Designation of Counsel for the
above-referenced Matter Under Review.

We understand that an extension of time to respond to the
Commission's Reason to Believe finding has been granted until
May 14, 1990.

If you have any questions, please contact the undersigned.

Very truly yours,



Robert F. Bauer
Judith L. Corley
Counsel to Respondents

cc: Gerald F. Richman

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STATEMENT OF DESIGNATION OF COUNSEL

MDR 3044
NAME OF COUNSEL: Robert F. Bauer
Judith L. Corley
ADDRESS: Perkins Coie
1110 Vermont Ave., N.W.
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.

5/1/90
Date

Gerald F. Richman
Signature

RESPONDENT'S NAME: Gerald F. Richman
ADDRESS: 175 N.W. First Avenue, Suite 2600
Miami, FL 33128
HOME PHONE: (305) 531-9770
BUSINESS PHONE: (305) 373-4000

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PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1201 THIRD AVENUE, 40TH FLOOR • SEATTLE, WASHINGTON 98101-3099 • (206) 583-8888

May 11, 1990

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

Attention: Xavier K. McDonnell

Re: MUR 3044 - Richman for Congress Committee,
and Gerald F. Richman, as Treasurer

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY 14 PM 3:44

Dear Mr. Noble:

This letter constitutes the response of the Richman for Congress Committee ("the Committee") and Gerald F. Richman, as Treasurer ("Respondents") to the Commission's finding of reason to believe a violation of the Federal Election Campaign Act of 1971, as amended ("FECA"), had occurred.

In order to adequately analyze the situation, the Commission must consider the factual circumstances underlying the Commission's reason to believe finding. Without taking these events in the proper context, a complete understanding of the actions of the Committee would not be possible.

Factual Background

Congressman Claude Pepper died in May 1989. A special election to fill his congressional seat was announced by the Governor of Florida in early June. The special election was scheduled in three parts: a primary election for August 1; a primary runoff, if necessary, on August 15; and a general election on August 29.

The elections were thus scheduled exactly two weeks apart. A candidate participating in all three of the elections would be required to file three separate FEC reports, each also two weeks apart. As noted in the reporting schedule published by the Federal Election Commission in the July 1989 issue of the FEC Record, the close proximity of the each of the three elections resulted in the bizarre overlap of the reporting dates with the elections that they related to. For example, the primary election was scheduled for August 1, but the close

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of books for the runoff election was July 26. A candidate would not know until August 2 if he was required to participate in the runoff. The runoff pre-election report was then due one day later, on August 3. The same situation occurred in connection with the general election. The close of books for the pre-general election report was August 9, six days before the August 15 runoff election. Again, a candidate participating in the runoff would have to wait until August 16 to determine whether or not he was a candidate for the general election. The pre-general election report was then due the next day, on August 17.

Gerald Richman was a candidate in all three special elections scheduled during the month of August 1989. He announced and simultaneously filed his candidacy on June 20, 1989, barely a month before the date of the first election, and only three weeks before the close of books for the first report.

Mr. Richman is a prominent lawyer in the Miami area, who served as president of the Florida Bar. He had never before sought any public office. Nor did he have any intention of seeking public office in May 1989. With the unanticipated death of Congressman Pepper numerous candidates from both parties announced their intention to run. On the eve of the filing deadline, June 20, a prominent Democratic candidate dropped out of the primary. Several of Mr. Richman's friends suggested he enter the race. The next day, June 20, Mr. Richman flew to Tallahassee, barely making the noon deadline for filing for the primary. He became one of 16 candidates in the race.

Mr. Richman began as an asterisk in the polls. He had no established campaign organization or network of supporters. The unanticipated entry into the campaign world required the campaign to go from a dead stop to flat-out in a remarkably short time. The campaign expanded dramatically when Mr. Richman came in first in the August 1 primary. On winning the runoff two weeks later, with only two weeks to the general election, the number of volunteers and contributions for the campaign again increased substantially. A hasty move from its small store front office to larger campaign headquarters further consumed the overburdened staff.

The extraordinarily short period of time between the death of Congressman Pepper, the announcement of the special elections, Mr. Richman's decision to run, and the first scheduled special election left a minimal amount of time to organize a campaign. None of Mr. Richman's hastily assembled

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campaign staff, consisting largely of volunteers, had worked on a federal campaign before and, therefore, they were unfamiliar with the requirements of the federal election laws. Even the most diligent campaign worker, given the short period of time that they had to "get up to speed" on the campaign, would have been unable to master the nuances of the federal election law. The large influx of volunteers and contributions with each election victory further complicated the compliance effort.

Nonetheless, the campaign made a substantial effort to comply with the unusually burdensome FECA requirements that were placed on them as a result of three elections within a single 30-day period.

Discussion

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The 48-hour reporting law was clearly not designed for the situation in the special elections in Florida. The statutory language itself provides that the period covered by the 48-hour reporting obligation run between 20 days and two days before an election. In the Florida case, other than the primary, none of the elections were more than 20 days after the close of books of the previous election's report. The Commission, in its legal analysis of this case, takes the position that candidates were, thus, required to report continuously under the 48-hour requirement between July 13 and August 26, 1989.

The Commission has noted that the 48-hour report was designed to provide "prompt public disclosure." Advisory Opinion 1988-32. Yet in the Florida special election situation, "prompt disclosure" was inherent in the scheduling of the elections, with the resulting filing of three FEC reports each two weeks apart.

The Commission's notices to the candidates did not clearly state the requirement for 48-hour reports continuously over one and one-half months. The Commission's requirement places an extraordinarily unrealistic administrative burden on a campaign, even one not struggling to organize itself for three elections in one month. Under this interpretation, reports would be filed with the Commission every other day. Furthermore, the requirement places a prohibitively expensive burden on a campaign already pressed in its fundraising efforts.

In spite of the administrative and financial burden of the Commission's interpretation, the Committee did file 14 48-hour reports, disclosing over \$200,000 in contributions. The

Committee made a reasonable effort to meet the excessively burdensome obligation given the inexperience of its staff and the extraordinary circumstances under which they were operating.

Nonetheless, the Commission complains that of the 14 48-hour reports that the Committee did file, the Committee failed to disclose the identification of the contributors reported. Given the unreasonable burden that the Commission had placed on the Committee of filing 48-hour reports for over one and one-half months, it is not realistic for the Commission to expect that the campaign was able to obtain identification of all contributors within the requisite 48-hour period. The Commission appears to be ignoring the statutory provision, 2 U.S.C. § 432(i), which allows a campaign to use "best efforts" to obtain the identification of contributors, even if the information is never actually received. Those best efforts were used by the Committee. Given the unique schedule that the campaign had to follow to meet the burdensome reporting requirements of the three elections in month, it is not at all unexpected that the Committee did not succeed in obtaining that information before filing their 48-hour report.

The Commission cites as two of the contributions the Committee failed to report within 48 hours a \$50,000 loan of the candidate's personal funds and a \$50,000 bank loan guaranteed by the candidate. While technically contributions under the FECA, it would not appear that disclosure of the candidate's own funds was behind the enactment of the 48 hour reporting provision. This law was designed to prevent large or controversial last minute contributions to a campaign which would not be disclosed until after the election. A candidate's contributions are rarely controversial in a campaign (Certainly not at the level in question here). In any event, due to the rapid succession of reports, the contributions here were promptly disclosed.

Conclusion

The Commission must recognize in this case that the circumstances were unique. The Commission's regulations were not designed to address the situation that arose. The Commission must interpret its regulations flexibly and recognize the substantial efforts of the Committee to comply with the Commission's burdensome requirements.

While Respondents feel that they did substantially comply in this case, they wish to resolve this matter as quickly as

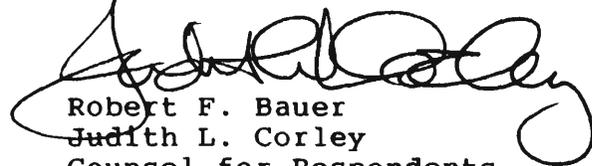
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Lawrence M. Noble, Esq.
May 11, 1990
Page 5

possible and, therefore, request pre-probable cause conciliation in this matter. Respondents ask that the Commission, in considering a resolution of this case, apply in full measure the mitigating factors discussed above.

If you have any questions or need additional information, please do not hesitate to contact one of the undersigned.

Very truly yours,



Robert F. Bauer
Judith L. Corley
Counsel for Respondents

1799E

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90 JUN 12 AM 9:20

BEFORE THE FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S REPORT

SENSITIVE

In the Matter of)
) MUR 3044
Richman for Congress Committee, and)
Gerald F. Richman, as treasurer)

I. BACKGROUND

On March 30, 1990, the Commission found reason to believe that the Richman for Congress Committee (the "Committee") and Gerald F. Richman, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(6)(A). Respondents have submitted a response to the Commission's findings, and have requested that the Commission enter into pre-probable cause conciliation. See Attachment 1.

II. ANALYSIS

The Committee acknowledges that it failed to report the receipt of \$158,000 in contributions of \$1,000 or more received after 20 days, but more than 48 hours before the three special elections held in Florida during August, 1989. 2 U.S.C. § 434(a)(6)(A). In addition, the Committee acknowledges that the 14 reports of last minute contributions which were filed failed to "identify" the contributors. 2 U.S.C. § 431(13); 2 U.S.C. § 434(a)(6)(A).

In their response, the Respondents point out the unique circumstances giving rise to this matter, and request that the Commission consider them as mitigating factors. The Committee asserts that the late opening of the Congressional seat and

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Mr. Richman's last minute entry into the race "left a minimal amount of time to organize a campaign," and that the campaign staff was unable to master the "nuances of federal election law." Attachment 1, at pgs. 2 & 3. The Respondents also assert that because the three elections were held within one month, the 48 hour reporting requirements were "unusually burdensome" and "unreasonable." Id.

In addition to pointing out the burdensomeness of the Act's requirements, the Respondents argue that since the Act provides that the 48 hour reporting requirement applies to contributions received between the period after 20 but more than 2 days before an election, it "was not designed for the situation in the special elections in Florida." Id. at p. 3. The Respondents also argue that the purpose of the 48 hour reporting requirement, to provide "prompt public disclosure," was met in this case as it was "inherent in the scheduling of the elections, with the resulting filing of the FEC reports each two weeks apart." Id.

Respondents' arguments are not supported by the Act or Commission regulations. To begin with, the Respondents' contention that the 48 hour reporting requirement is not applicable in this situation is in contradiction to the language of that provision which requires the filing of these reports before "any election." 2 U.S.C. § 434(a)(6)(A); 11 C.F.R. § 104.5(f). Moreover, since the Act's definition of election includes "special elections," and such elections are defined in

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the Commission's regulations as elections "held to fill a vacancy in a Federal office," it is clear that 48 hour reports were required to be filed before these three elections. Id.

In this matter, due to the sudden death of Congressman Claude Pepper, the special elections were all scheduled within one month.¹ Special elections are by their nature unanticipated: neither the fact that Richman lacked a sophisticated campaign organization nor that the reporting periods overlapped here excuses the Committee's noncompliance with the statutory disclosure requirements.

Respondents' contention that the election schedule and the other reports filed by the Committee satisfied the 48 hour rule's purpose is also unavailing. Section 434(a)(6)(A) was not designed merely to provide "prompt public disclosure," but to provide public disclosure "before" any election. 2 U.S.C. § 434(a)(6)(A). As the Respondents failed to disclose the receipt of these contributions before the elections for which they were designated, the purpose of the requirement was not met.

With regard to the failure to properly report the receipt of two \$50,000 loans, the Committee contends that the 48 hour reporting requirement was designed to disclose large or controversial contributions, and that loans such as those at issue

1. In fact, the death of an individual holding a federal office was specifically anticipated as one of the reasons for holding a special election. See Communication from the Chairman, House Document 95-44, 95th Congress, 1st Sess. 40 (Jan. 12, 1977).

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in this matter are "rarely controversial." As Respondents acknowledge, however, loans constitute contributions under the Act. 2 U.S.C. §§ 431(8)(A) and (B)(vii). The 48 hour reporting requirement applies to all contributions, including loans. Nor does the Act exempt from the 48 hour reporting requirement contributions that are "noncontroversial," which would appear to be a matter better left for the public to determine. 2 U.S.C. § 434(a)(6)(A).

Finally, with regard to the 48 hour reports which were filed but did not identify contributors, Respondents assert that they used "best efforts," citing 2 U.S.C. § 432(i). The Committee, however, does not describe what efforts it made to obtain the necessary information but simply reiterates the unique election schedule and the burdensomeness of the reporting requirements.

III. DISCUSSION OF PRE-PROBABLE CAUSE CONCILIATION

91040:31994

IV. RECOMMENDATIONS

1. Enter into Pre-Probable Cause Conciliation with Respondents.

2. Approve the attached conciliation agreement and appropriate letter.

Lawrence M. Noble
General Counsel

June 11, 1990
Date

BY:

Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Attachments

1. Response and Request for pre-probable cause conciliation
2. Proposed conciliation agreement

Staff assigned: Xavier K. McDonnell

21040331995



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS *DH*
COMMISSION SECRETARY

DATE: JUNE 14, 1990

SUBJECT: MUR 3044 - GENERAL COUNSEL'S REPORT
DATED JUNE 11, 1990

The above-captioned document was circulated to the Commission on Tuesday, June 12, 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 _____
- Commissioner Josefiak _____
- Commissioner McDonald _____
- Commissioner McGarry _____
- Commissioner Thomas XXX

This matter will be placed on the meeting agenda for Tuesday, June 19, 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)
Richman for Congress Committee, and) MUR 3044
Gerald R. Richman, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 19, 1990, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3044:

1. Enter into pre-probable cause conciliation with the Respondents.
2. Approve the conciliation agreement and letter attached to the General Counsel's report dated June 11, 1990.

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

Attest:

June 21, 1990
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 25, 1990

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

RE: MUR 3044
Richman for Congress Committee, and
Gerald F. Richman, as treasurer

Dear Mr. Bauer and Ms. Corley:

On March 30, 1990, the Federal Election Commission found reason to believe that the Richman for Congress Committee, and Gerald F. Richman, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6)(A). At your request, on June 19, 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 Xavier K. McDonnell, 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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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 6, 1990

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

RE: MUR 3044
Richman for Congress Committee
and Gerald F. Richman, as treasurer

Dear Mr. Bauer and Ms. Corley:

On March 30, 1990, the Federal Election Commission found reason to believe that the Richman for Congress Committee, and Gerald F. Richman, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(6)(A). At your request, on June 19, 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.

On July 16, 1990, Xavier McDonnell, a staff attorney from the Office of the General Counsel met with you and your clients in an effort to settle this matter. During that meeting, Mr. McDonnell reminded the Respondents that preprobable cause conciliation is limited to a maximum of 30 days, and informed you that a signed counteroffer must be submitted by Friday, July 27, 1990. Despite repeated reminders of the time constraints for preprobable cause conciliation, no counteroffer has been submitted by the Respondents. Accordingly, the Office of General Counsel hereby informs you that it shall proceed to the next stage of the enforcement process.

Should you have any further questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lisa E. Klein
Assistant General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

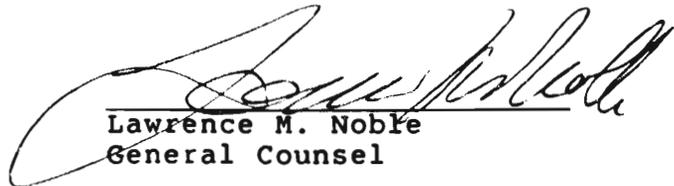
In the Matter of)
)
 Richman for Congress Committee,) MUR 3044
 and Gerald F. Richman, as treasurer)
)

SENSITIVE

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to the Richman for Congress Committee and Gerald F. Richman, as treasurer, based on the assessment of the information presently available.

8/7/90
 Date


 Lawrence M. Noble
 General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1990

MEMORANDUM

SENSITIVE

TO: The Commission
FROM: Lawrence M. Noble
General Counsel *[Signature]*
SUBJECT: MUR 3044

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the Respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe were mailed on August 16, 1990. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 1990

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

RE: MUR 3044
Richman for Congress Committee
and Gerald F. Richman, as treasurer

Dear Mr. Bauer and Ms. Corley:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, on March 30, 1990, the Federal Election Commission found reason to believe that your clients, violated 2 U.S.C. § 434(a)(6)(A), and instituted an investigation in this matter.

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

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

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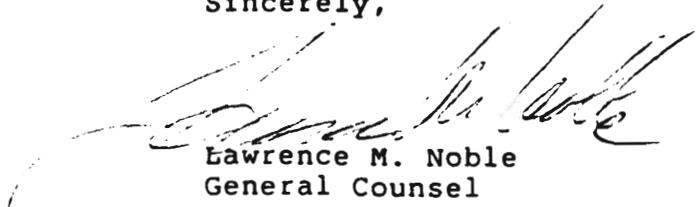
Robert F. Bauer
Judith L. Corley
Page 2

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

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

Should you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3044
Richman for Congress Committee)
and Gerald F. Richman, as treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On March 30, 1990, the Commission found reason to believe that the Richman for Congress Committee (the "Committee"), and Gerald F. Richman, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act"). At the Respondents request, on June 19, 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. On July 16, 1990, the Respondents and a staff member from this Office held a meeting in an attempt to reach an agreement. During the meeting, the Respondents were reminded that the 30 day period for preprobable cause conciliation would end on July 27, 1990, and that any counterproposal should be submitted without delay. However, despite numerous inquiries from a staff member of this Office, the Respondents have failed to submit a proposed agreement.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act") provides that the principal campaign committee of a candidate shall notify the Clerk, the Secretary, or the

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Commission, and the Secretary of State, as appropriate, in writing, of any contribution of \$1,000 or more received by an authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A). The Act requires that the notification be made within 48 hours of receipt of the contribution, and that it include the name of the candidate, the office sought, the identification of the contributor, the date of receipt and the amount. This 48 hour notification requirement is in addition to all other reporting requirements under the Act. 2 U.S.C. § 434(a)(6)(B). In the case of an individual, the term "identification" is defined as the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer. 2 U.S.C. § 431(13)(A). In the case of any other "person", including a committee, "identification" means the full name and address of such person. 2 U.S.C. § 434(13)(B).

Gerald F. Richman was a candidate in three special elections which were held during the 1989 race for the Eighteenth (18th) Congressional District in Florida. The three pertinent elections were the Special Primary Election, held on August 1, 1989, the Special Runoff Election, held on August 15, 1989, and the Special General Election, held on August 29, 1989.

A. Failure to File Reports

In order to comply with the 48 hour reporting requirement during these three elections, the Committee was required to report within 48 hours of receipt all contributions of \$1,000 or more received from July 13 through August 26, 1989. The Committee's

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reports disclose the receipt of 33 contributions of \$1,000 or more received from July 13, 1989 through August 26, 1989, which were not reported within 48 hours of receipt. Specifically, the Committee's Special Pre-General Election Report discloses the receipt of a \$50,000 loan from the candidate made on August 8, 1989, and a \$1,000 in-kind contribution, made on August 9, 1989. The Committee's Special Post-General Election Report indicates that on August 16, 1989, it received a \$50,000 bank loan which was endorsed by the candidate. Finally, that Report also discloses that from July 13, 1989 through August 26, 1989, the Committee received 30 contributions of \$1,000 or more, which totaled \$57,000.

The Committee acknowledges that it failed to report the receipt of these contributions. The Committee, however, asserts that due to the late announcement of the opening of the Congressional seat there was a "minimal amount of time to organize a campaign," and that the campaign staff was unable to master the "nuances of federal election law." The Respondents also assert that because the three elections were held within one month, the 48 hour reporting requirements were "unusually burdensome" and "unreasonable." See Response, dated May 11, 1990.

The Respondents argue that since the Act provides that the 48 hour reporting requirement applies to periods after 20 but more than 2 days before an election, it was not designed for this type of special election sequence, in which three elections were held within one month. The Respondents also argue that the purpose of the 48 hour reporting requirement, to provide "prompt public

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disclosure," was met in this case as it was "inherent in the scheduling of the elections, with the resulting filing of the FEC reports each two weeks apart." Id.

Respondents' arguments are not supported by the Act or Commission regulations. To begin with, the Respondents' contention that the 48 hour reporting requirement is not applicable in this situation is in contradiction to the language of that provision which requires the filing of these reports before "any election." 2 U.S.C. § 434(a)(6)(A); 11 C.F.R. § 104.5(f). Moreover, since the Act's definition of election includes "special elections," and such elections are defined in the Commission's regulations as elections "held to fill a vacancy in a Federal office," it is clear that 48 hour reports were required to be filed before these three elections.¹ Special elections are by their nature unanticipated: neither the fact that Richman lacked a sophisticated campaign organization nor that the reporting periods overlapped here excuses the Committee's noncompliance with the statutory disclosure requirements.

Respondents' contention that the election schedule and the other reports filed by the Committee satisfied the 48 hour rule's purpose is also unavailing. Section 434(a)(6)(A) was not designed merely to provide "prompt public disclosure," but to provide public disclosure "before" any election. 2 U.S.C. § 434(a)(6)(A). As the Respondents failed to disclose the receipt of these

1. In fact, the death of an individual holding a federal office was specifically anticipated as one of the reasons for holding a special election. See Communication from the Chairman, House Document 95-44, 95th Congress, 1st Sess. 40 (Jan. 12, 1977).

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contributions before the elections for which they were designated, the purpose of the requirement was not met.

With regard to the failure to properly report the receipt of two \$50,000 loans, the Committee contends that the 48 hour reporting requirement was designed to disclose large or controversial contributions, and that loans such as those at issue in this matter are "rarely controversial." As Respondents acknowledge, however, loans constitute contributions under the Act. 2 U.S.C. §§ 431(8)(A) and (B)(vii). The 48 hour reporting requirement applies to all contributions, including loans. Nor does the Act exempt from the 48 hour reporting requirement contributions that are "noncontroversial," which would appear to be a matter better left for the public to determine. 2 U.S.C. § 434(a)(6)(A).

B. Improperly Filed Reports

It appears that the 48 hour reports which were filed by the Committee did not "identify" the contributors, and therefore did not comply with 2 U.S.C. § 434(a)(6)(A). Specifically, between August 1 and August 25, 1989, the Committee filed 13 reports which disclosed the receipt of approximately \$207,500 in contributions from individuals and committees of \$1,000 or more received after the 20th day but more than 48 hours before one of these three special elections.² These reports, sent by telegram, listed the candidate's name, the date of receipt, the amount of the contribution and the name of the contributor. These reports did

2. It is difficult to read these 48 hours reports, and therefore \$207,500 is an approximation.

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not include the employer name, the mailing address and the occupation of each individual contributor, and they did not include the full name and address of other persons. Therefore, they did not "identify" each contributor, and did not comply with Section 434(a)(6)(A). The Committee acknowledges that these reports of last minute contributions which were filed failed to "identify" the contributors. 2 U.S.C. § 431(13); 2 U.S.C. § 434(a)(6)(A). However, the Respondents assert that they used "best efforts," citing 2 U.S.C. § 432(i). The Committee, however, does not describe what efforts it made to obtain the necessary information but simply reiterates the unique election schedule and the burdensomeness of the reporting requirements.

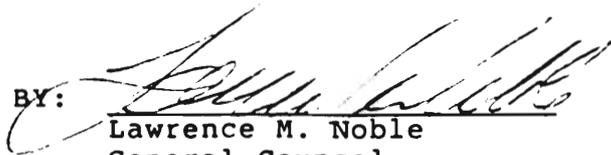
Accordingly, the Office of General Counsel recommends that the Commission find probable cause to believe that the Richman for Congress Committee, and Gerald F. Richman, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to report adequately within 48 hours of receipt, contributions received after the 20th day but more than 48 hours before an election.

III RECOMMENDATION

Find probable cause to believe that the Richman for Congress Committee, and Gerald F. Richman, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

8/14/90

 Date

BY: 
 Lawrence M. Noble
 General Counsel

Staff Person: Xavier K. McDonnell

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

RECEIVED
FEDERAL ELECTION COMMISSION
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August 16, 1990

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

Attention: Xavier K. McDonnell

Re: MUR 3044 - Richman for Congress Committee, and Gerald F. Richman, as Treasurer

Dear Mr. Noble:

Pursuant to our meeting with Xavier McDonnell on Monday, July 16, the Richman for Congress Committee ("the Committee") and Gerald F. Richman, as Treasurer ("Respondents"), submit this additional evidence.

The Commission, in its General Counsel's Report identified two contributions in-kind reported by Respondents as valued at \$1,000, and, therefore, subject to the 48-hour reporting requirements. As Mr. Richman disclosed at the meeting on July 16, the valuation of the contributions in-kind at \$1,000 had been an estimate of the costs involved. Subsequent research has revealed that neither of the in-kind contributions was valued at \$1,000. Respondents today submit two affidavits from the parties in question affirming that the value of the in-kind contributions in both cases was less than \$1,000. Neither of these contributions, therefore, was subject to the 48-hour reporting requirements.

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Lawrence M. Noble
August 16, 1990
Page 2

The Commission also identified as a violation of the Act the failure to include the identification of contributors on the 14 48-hour reports filed by the Respondents during the period of August 1 through August 25. As was discussed at the July 16 meeting, the Committee has exercised "best efforts" under 2 U.S.C. § 432(i) in obtaining the identification of each of the contributors listed on these reports. The identifications of the majority of the contributors were disclosed in subsequent reports filed by the Respondents. The remaining identifications were requested through a variety of means, including letters to contributors, (sample copies attached), telephone inquiries or research in Martindale Hubbell (many contributors were attorneys). As the attached list of these contributors shows, the campaign's efforts in obtaining this information was successful.

Section 432(i) provides that if a committee can demonstrate best efforts in obtaining the information, the reports of that committee will be considered in compliance. This requirement has been met in full, and, therefore, there should be no finding of a violation in this matter.

Respondents also wish to provide the following supplementary information with respect to the arguments made in their previous submission. As noted in the Committee's letter of May 11, 1990, and as discussed in the meeting of July 16, there was considerable confusion as to whether the candidate loans were required to be treated as contributions reportable

21040632011

Lawrence M. Noble
August 16, 1990
Page 3

under the 48-hour reporting rules.^{2/} This confusion stems in part from the fact that a bank loan is specifically exempted from the definition of contribution under 2 U.S.C. § 431(8)(B)(vii). Guidance available from the Commission at the time on this matter did not help to clarify it. For example, while in an 800-Line article in the July 1990 issue of the Record, the Commission clearly states that the 48-hour reporting requirement includes the requirement to disclose loans by a candidate and guarantees of such loans by a candidate, a similar article published in the February 1988 Record makes no mention of loans or guarantees as subject to this reporting requirement.

Respondents also submit for the Commission's consideration a letter from Mr. Richman to counsel detailing the unique circumstances of this election.

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

Very truly yours,



Robert F. Bauer
Judith L. Corley
Counsel to Respondents

^{2/} The Office of General Counsel has pointed out that the Richman campaign did file one 48-hour report which contained information on a candidate loan. This report was apparently filed by an outside consultant to the campaign who then left the campaign. The campaign staff who subsequently took over the 48-hour reporting responsibilities were not familiar with the consultant's report and, as indicated by the different format of the subsequent reports, obtained their guidance on the reports from other sources.

2104033012

AFFIDAVIT OF ROSALYN M. WEISS AND BERNARD M. WEISS

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

BEFORE ME, the undersigned authority personally appeared Debra Weiss Goodstone, who after being duly sworn, deposes and says:

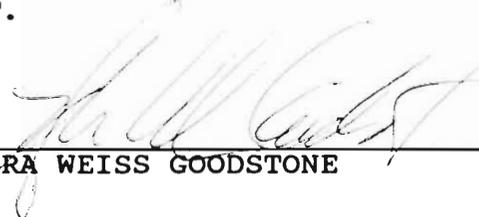
1. On July 17, 1989, Affiant's parents, Rosalyn M. Weiss and Bernard M. Weiss, hosted a "meet and greet" party at their home in order to introduce their friends and neighbors to Gerald F. Richman, a candidate for congress.

2. Affiant attended that function and helped to plan it and prepare for it.

3. Food and beverages, including an open bar were provided at the Weiss' expense, without the use of a professional caterer.

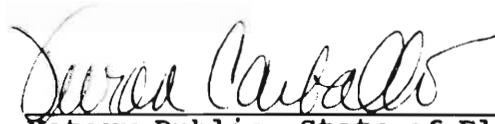
3. The cost of the function was estimated to have been \$1,000.00 but on closer scrutiny it is believed that the actual costs were closer to \$750.00.

FURTHER AFFIANT SAYETH NAUGHT.



DEBRA WEISS GOODSTONE

SWORN TO AND SUBSCRIBED before me this 18th day of July, 1990.



Notary Public, State of Florida
at Large

My Commission Expires:

Notary Public, State of Florida At Large
My Commission Expires July 18, 1993

2104032013

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF DADE

Before me, the undersigned authority, personally appeared FREDERICK B. SPIEGEL who being by me first duly sworn, on oath, deposes and says the following is true and correct:

1. That affiant was a campaign contributor to the campaign of Gerald F. Richman for United States Congress in 1989.
2. That affiant arranged a campaign party for Gerald F. Richman on July 13, 1989. That the cost of the campaign party was \$850, which cost was paid in full by the affiant on July 20, 1990.

FURTHER YOUR AFFIANT SAYETH NOT



Frederick B. Spiegel
21 Palm Avenue
Miami Beach, Florida 33139

Sworn to and subscribed before me this 17th day of July, 1990.



Diane S. Bardalis

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES AUG. 26, 1991.
FORGED THIS NOTARY PUBLIC IS UNLAWFUL.

SEAL

21540332014

October 5, 1989

RE: Richman for Congress

Dear Contributor:

Thank you for your contribution to the Richman for Congress campaign it was greatly appreciated. We are now in the process of filling out our Federal Election Contributor Forms and we are missing the following information:

Your Occupation: Congressman Martin Sabo, MA - Dist. 5
Your Employer : U.S. Govt. (5th Congressional Dist. - MA)

It would be appreciated if you would fill out this letter and return it to us in the self addressed enveloped attached. Once again THANK YOU for your help.

Sincerely yours,



Diane S. Bardelas
Secretary to Gerald F. Richman

21040332015

October 5, 1989

RE: Richman for Congress

Dear Contributor:

Thank you for your contribution to the Richman for Congress campaign it was greatly appreciated. We are now in the process of filling out our Federal Election Contributor Forms and we are missing the following information:

Your Occupation:

SELF EMPLOYED - INVESTOR

Your Employer :

It would be appreciated if you would fill out this letter and return it to us in the self addressed enveloped attached. Once again THANK YOU for your help.

Sincerely yours,

D. Bardelas

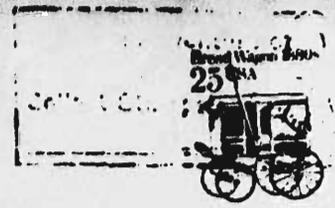
Diane S. Bardelas

Secretary to Gerald F. Richman

Leroy J. Kelly

21040832016

Miskoff
.65 NE 58 ST.
33137



October 5, 1989

RE: Richman for Congress

Dear Contributor:

Thank you for your contribution to the Richman for Congress campaign it was greatly appreciated. We are now in the process of filling out our Federal Election Contributor Forms and we are missing the following information:

Your Occupation: Personal Investments of J. Miskoff Foundation
Your Employer : Self - (W. Miskoff Trust)

It would be appreciated if you would fill out this letter and return it to us in the self addressed enveloped attached. Once again THANK YOU for your help.

Sincerely yours,

D. Bardelas
Diane S. Bardelas
Secretary to Gerald F. Richman

21040332017

GERALD F. RICHMAN FOR CONGRESS
48-Hour Reports
8/1/89 - 8/25/89

Page 1

FULL NAME & ADDRESS:	DATE	AMOUNT
ABC Ballot Club UFCW 1775 K Street, N.W. Washington, D.C. 20006	8/24/89	\$5,000.00
ACTWU PAC 15 Union Square New York, NY 10003	8/24/89	\$2,000.00
APWU PAC 1300 L Street, N.W. Washington, D.C. 20003	8/24/89 8/24/89	\$1,000.00 \$4,000.00
ATLA PAC 1050 31st Street, N.W. Washington, D.C. 20007	8/7/89 8/21/89	\$5,000.00 \$5,000.00
Wayne A. Barlin 9844 S.W. 124th Terrace Miami, FL 33176	Coulter Electronics, Inc. 8/21/89	\$1,000.00
OCCUPATION: Corporate Counsel		
Leo V. Berger 9801 Collins Ave. Miami Beach, FL 33154	Retired 8/16/89	\$1,500.00
OCCUPATION: Retired		
George J. Berlin 1940 N.E. 194th Drive Miami, FL 33170	Turnberry Isle 8/23/89	\$1,000.00
OCCUPATION: Project Manager		
Jerome Berlin 5425 S.W. 92nd Street Miami, FL 33156	Loveshaw Corporation 8/24/89	\$1,000.00
OCCUPATION: Attorney		
Mrs. Graham H. Black 12305 S.W. 73rd Ave. Miami, FL 33156	N/A 8/14/89 8/24/89	\$1,000.00 \$1,000.00
OCCUPATION: Housewife		

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FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Hugo Black, Jr. 12305 S.W. 73rd Ave. Miami, FL 33156	Kelly, Black, Byrn, et al.	8/14/89 8/24/89	\$1,000.00 \$1,000.00
OCCUPATION: Attorney			
Leon D. Black, Jr. 1400 Alfred I Dupont Bldg. Miami, FL 33131	Kelly, Black, Byrn, et al.	8/23/89	\$1,000.00
OCCUPATION: Attorney			
Dr. William J. Bopp 1400 S.W. 21st Lane Boca Raton, FL 33432	Florida Atlantic University	8/23/89	\$1,000.00
OCCUPATION: Professor			
Michael Brown 7490 S.W. 14th Street Miami, FL 33158	Wometco Enterprises	8/21/89	\$1,000.00
OCCUPATION: Executive			
John M. Brumbaugh 9050 S.W. 52nd Avenue Miami, FL 33156	Floyd, Pearson	8/21/89	\$1,000.00
OCCUPATION: Attorney			
Carpenter Leg. Imp. Cmtee. 101 Constitution Ave., N.W. Washington, D.C. 20001		8/24/89	\$5,000.00
Bruce A. Christensen 175 N.W. 1st Ave. Miami, FL 33128	Floyd, Pearson	8/18/89	\$1,000.00
OCCUPATION: Attorney			
Bill Colson 200 S. Biscayne Blvd., #5400 Miami, FL 33131	Colson & Hicks	8/24/89	\$1,000.00
OCCUPATION: Attorney			

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FULL NAME & ADDRESS:	DATE	AMOUNT	
Cmtee. for Demo. Oppty. P.O. Box 18806 Philadelphia, PA 19119	8/23/89	\$3,000.00	
FULL NAME & ADDRESS:	DATE	AMOUNT	
Cmtee. on Polit. Educ. 815 16th Street, N.W. Washington, D.C. 20006	8/23/89	\$5,000.00	
FULL NAME & ADDRESS:	DATE	AMOUNT	
Communications Workers of America COPE-PCC 1925 K Street, N.W. Washington, D.C. 20006	08/23/89	\$3,000.00	
FULL NAME & ADDRESS:	DATE	AMOUNT	
DNC Services Corp. 430 So. Capitol St., S.E. Washington, D.C. 20003	8/24/89	\$5,000.00	
FULL NAME & ADDRESS:	DATE	AMOUNT	
DSG Campaign Fund 499 North Capitol Street Washington, D.C. 20003	8/23/89	\$5,000.00	
FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Gordon Decklebaum 4444 Player Street Hollywood, FL 33021	Promenade Developers	8/7/89	\$1,000.00
		8/24/89	\$1,000.00
	OCCUPATION: Builder		
FULL NAME & ADDRESS:	DATE	AMOUNT	
Demo. Cong. Camp. Cmtee. 430 S. Capitol St., S.E. Washington, D.C. 20003	8/23/89	\$5,000.00	
FULL NAME & ADDRESS:	DATE	AMOUNT	
Effective Government Cmtee. 555 New Jersey Ave., N.W. Washington, D.C. 20001	8/21/89	\$5,000.00	
FULL NAME & ADDRESS:	DATE	AMOUNT	
English Language PAC P.O. Box 9558 Washington, D.C. 20016	8/24/89	\$5,000.00	

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GERALD F. RICHMAN FOR CONGRESS
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FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Florida Democratic Party P.O. Box 1758 Tallahassee, FL 32302		8/23/89	\$5,000.00
Robert L. Floyd 175 NW First Ave., 26th Fl. Miami, FL 33128-1817	Floyd, Pearson	8/4/89 8/18/89	\$1,000.00 \$1,000.00
OCCUPATION: Attorney			
Monte Friedkin P.O. Box 3051 Boca Raton, FL 33431		8/24/89	\$1,000.00
OCCUPATION: Corp. Executive			
Harvey Friedman 7610 S.W. 133rd Street Miami, FL 33156		8/24/89	\$1,000.00
OCCUPATION: Private Investor			
Lionel J. Gelfand 6010 Granada Blvd. Coral Gables, FL 33146	Self	8/24/89	\$1,000.00
OCCUPATION: Real Estate Investor			
Charles K. George 4800 Le Jeune Road Coral Gables, FL 33146	George, Nartz, Lundean, P.A.	8/24/89	\$1,000.00
OCCUPATION: Attorney			
Richard Goldstein 6700 S.W. 133rd Terrace Miami, FL 33156	Goldstein & Tanen	8/21/89	\$1,000.00
OCCUPATION: Attorney			
Alan Greer 224 Ridgewood Rd. Coral Gables, FL 33133	Floyd, Pearson	8/2/89	\$1,000.00
OCCUPATION: Attorney			

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GERALD F. RICHMAN FOR CONGRESS
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FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Bruce W. Greer 5900 S.W. 97th Street Miami, FL 33156	Greer, Homer & Donner	8/24/89	\$1,000.00
OCCUPATION: Attorney			
Grossman & Roth 2665 Bayshore Drive Miami, FL 33133		7/25/89	\$1,000.00
William H. Harrell 201 S. Riverside Drive Melbourne Beach, FL 32951	Reinman & Harrell	8/17/89	\$1,000.00
OCCUPATION: Attorney			
Milton Harry		8/4/89	\$1,000.00
OCCUPATION: Architect			
William Hearon 2699 S. Bayshore Dr., #700 Miami, FL 33133	Katz, Barron, Squitiero & Faust	8/2/89	\$1,000.00
OCCUPATION: Attorney			
Adriana Hernandez 10720 S.W. 118th Ct. Miami, FL 33186		7/27/89	\$1,000.00
OCCUPATION:			
Abraham Hirschfeld 725 Fifth Avenue New York, NY 10022	Castle Hotel	8/21/89	\$1,000.00
OCCUPATION: Owner			
Holland & Knight Cmtee. for Effective Govt. 888 17th ST., N.W., #900 Washington, D.C. 20006		8/14/89 8/23/89	\$1,000.00 \$1,000.00

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GERALD F. RICHMAN FOR CONGRESS
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FULL NAME & ADDRESS:	DATE	AMOUNT
House Leadership Fund P.O. Box 39236 Washington, D.C. 20016	8/23/89	\$5,000.00

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
William Huggett 66 W. Flagler St., #400 Miami, FL 33130	Law Office of William Huggett	8/21/89	\$1,000.00
OCCUPATION: Attorney			

FULL NAME & ADDRESS:	DATE	AMOUNT
Human Rights Campaign Fund P.O. Box 1396 Washington, D.C. 20013	8/23/89	\$5,000.00

FULL NAME & ADDRESS:	DATE	AMOUNT
IBEW COPE 1125 15th Street, N.W. Washington, D.C. 20005	8/23/89	\$5,000.00

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Susan P. Jude 9829 S.W. 62nd Court Miami, FL 33156		8/23/89	\$1,000.00
OCCUPATION:			

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Abbey L. Kaplan 100 Chopin Plaza, #1970 Miami, FL	Kluger, Perete, Kaplan & Berlin	8/21/89	\$1,000.00
OCCUPATION: Attorney			

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Joseph P. Klock, Jr. 4000 S.E. Financial Center Miami, FL 33131	Steel, Hector & Davis	8/24/89	\$2,000.00
OCCUPATION: Attorney			

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Bertha Lee 175 N.W. 1st Avenue Miami, FL 33128	Floyd, Pearson	8/7/89	\$1,000.00
OCCUPATION: Attorney			

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GERALD F. RICHMAN FOR CONGRESS
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FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Dr. Rene J. Leonard 9030 Old Cutler Road Miami, FL 33156	Florida Intl. University	7/28/89 8/18/89	\$1,000.00 \$1,000.00
OCCUPATION: Professor			
Jeanne Levy 900 North Lake Way West Palm Beach, FL 33480	N/A	7/24/89	\$1,000.00
OCCUPATION: Housewife			
H. Irwin Levy c/o Century Village N. Haverhill Road West Palm Beach, FL 33417	Cenville Builders	7/25/89 8/17/89	\$1,000.00 \$1,000.00
OCCUPATION: Builder			
Bayla Abrams Lifter 19707 Turnberry Way N. Miami Beach, FL 33180	Marco Polo Hotel	8/11/89	\$1,000.00
OCCUPATION: Hotel Owner			
Bennett Lifter 17880 N.W. 2nd Ave. Miami, FL 33169	Marco Polo Hotel	8/11/89	\$1,000.00
OCCUPATION: Hotel Owner			
Michael P. Maguire 201 Sevilla Avenue Coral Gables, FL 33134	Maguire & Friend	8/21/89	\$1,000.00
OCCUPATION: Attorney			
John Kirk McDonald 370 Minorca Avenue Coral Gables, FL 33134	John Kirk McDonald, P.A.	8/4/89	\$1,000.00
OCCUPATION: Attorney			
John Fred McMath 28 W. Flagler Street Miami, FL 33130	John F. McMath, P.A.	8/21/89	\$1,000.00
OCCUPATION: Attorney			

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GERALD F. RICHMAN FOR CONGRESS
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. FULL NAME & ADDRESS: Miami Fire PAC 1701 N.W. 79th Avenue Miami, FL 33126		DATE 8/23/89	AMOUNT \$1,000.00
. FULL NAME & ADDRESS: Andrew J. Mirabito 175 N.W. 1st Ave. Miami, FL 33128		NAME OF EMPLOYER: Floyd, Pearson	DATE 8/17/89
			AMOUNT \$1,000.00
OCCUPATION: Attorney			
. FULL NAME & ADDRESS: Wilmoth Miskoff 665 N.E. 58th Street Miami, FL 33137		NAME OF EMPLOYER: Self	DATE 8/23/89
			AMOUNT \$1,000.00
OCCUPATION: Personal Investments			
. FULL NAME & ADDRESS: Robert S. Moses 120 Palm Avenue Miami Beach, FL 33139		NAME OF EMPLOYER: Wiederhold, Moses & Bulfin	DATE 8/24/89
			AMOUNT \$1,000.00
OCCUPATION: Attorney			
. FULL NAME & ADDRESS: Edward A. Moss 100 N. Biscayne Blvd., #2300 Miami, FL 33132		NAME OF EMPLOYER: Anderson & Moss	DATE 8/4/89
			AMOUNT \$1,000.00
OCCUPATION: Attorney			
. FULL NAME & ADDRESS: George H. Moss 255 Live Oak Road Vero Beach, FL 32963		NAME OF EMPLOYER: Moss, Henderson, et al.	DATE 7/27/89
			AMOUNT \$1,000.00
OCCUPATION: Attorney			
. FULL NAME & ADDRESS: Judith M. Motoyama 3555 Broderick, #304 San Francisco, CA 94123		NAME OF EMPLOYER: Chickering & Gregory	DATE 7/31/89
			AMOUNT \$1,000.00
			DATE 7/31/89
			AMOUNT \$1,000.00
OCCUPATION: Legal Secretary			
. FULL NAME & ADDRESS: NARAL PAC 1101 14th Street, N.W. Washington, D.C. 20003		DATE 8/23/89	AMOUNT \$5,000.00

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FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Marjorie R. Nagin 7929 S.W. 52nd Avenue Miami, FL 33143	N/A	8/24/89	\$1,000.00
OCCUPATION: Housewife			
Natl. Cmtee. to Preserve Social Security PAC 3151 Airway Ave., M-1 Costa Mesa, CA 92626		8/24/89	\$2,500.00
Z.J. Nyitray 51 S.W. LeJeune Road Miami, FL	Bliss & Nyitray	7/28/89	\$1,000.00
OCCUPATION: Engineer			
Domenick Papparone 10989 State Road A1A N. Palm Beach, FL 33408		8/15/89	\$1.00.00
OCCUPATION: Developer			
Donald J. Papparone 1111 Marlkrass Rd., #200 Cherry Hill, NJ 08003		8/15/89	\$1,000.00
OCCUPATION: Developer			
Peace PAC 20 Park Plaza Boston, MA 02116		8/24/89	\$1,000.00
Ray H. Pearson 175 N.W. 1st Street Miami, FL 33139	Floyd, Pearson	8/2/89 8/17/89	\$1,000.00 \$1,000.00
OCCUPATION: Attorney			
Samuel J. Rabin, Jr. 5191 Pinetree Drive Miami Beach, FL 33140	Moore & Rabin	8/24/89	\$1,000.00
OCCUPATION: Attorney			

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FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Lee Richman 135 Palm Avenue Miami Beach, FL	N/A	7/27/89 8/17/89 8/18/89	\$1,000.00 \$1,000.00 \$1,000.00
OCCUPATION: Retired			
Sam Richter 7663 Cinebar Drive Boca Raton, FL 33433	Yale Properties	8/15/89	\$1,000.00
OCCUPATION: Developer			
David Rothman 9951 S.W. 127th Terrace Miami, FL 33176	Thornton, Rothman & Emas	8/24/89	\$1,000.00
OCCUPATION: Attorney			
David Rozen 2070 N.E. 194 Terrace N. Miami Beach, FL 33174	Olympian, Inc.	8/4/89	\$1,000.00
OCCUPATION: Real Estate			
Shelton Rubin 4173 Bocaire Blvd. Boca Raton, FL 33431		8/4/89	\$1,000.00
OCCUPATION: Builder			
Herman Russomanno 175 N.W. 1st Avenue Miami, FL 33128	Floyd, Pearson	8/18/89	\$1,000.00
OCCUPATION: Attorney			
SEBPAC 200 S. Biscayne Blvd. Miami, FL 33131		8/21/89	\$1,000.00
Martin Olav Sabo 2425 E. Franklin, #301 Minneapolis, MN 55406	U.S. Government	8/23/89	\$1,000.00
OCCUPATION: Congressman			

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FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Leroy Schechter 5555 Collins Ave. Miami Beach, FL 33140	American Strip Steel, Inc.	7/31/89	\$1,000.00
OCCUPATION: CEO			

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Renee A. Schechter 200 Old Palisade Road Fort Lee, NJ 07024	N/A	8/14/89	\$1,000.00
OCCUPATION: Housewife			

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Edward Shohat 9260 S.W. 101st Street Miami, FL 33176	Bierman, Shohat, et al.	8/14/89	\$1,000.00
OCCUPATION: Attorney			

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Sierra Club Cmtee. PAC 730 Polk Street San Francisco, CA 94109		8/17/89	\$1,000.00

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Chesterfield Smith 4501 Santa Maria St. Coral Gables, FL 33146	Holland & Knight	8/21/89	\$1,000.00
OCCUPATION: Attorney			

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Thomas W. Smith 13790 S.W. 80th Avenue Miami, FL 33158	Wometco Enterprises	8/21/89	\$1,000.00
OCCUPATION: Executive			

RECEIPT FOR: GENERAL

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Neal Sonnett 1 Bisc Tower, 25th Floor Miami, FL	Sonnett, Sale & Kuehne	8/24/89	\$1,000.00
OCCUPATION: Attorney			

FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Ada M. Spigonardo 628 Lukens Avenue Upper Darby, PA 19082		8/24/89	\$1,000.00
OCCUPATION:			

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 . FULL NAME & ADDRESS: NAME OF EMPLOYER: DATE AMOUNT
 Larry S. Stewart Stewart, Tilghman, Fox 8/18/89 \$1,000.00
 10500 Snapper Creek Rd. & Bianchi
 Miami, FL 33156

OCCUPATION: Attorney

 . FULL NAME & ADDRESS: NAME OF EMPLOYER: DATE AMOUNT
 John W. Thornton, Jr. Thornton, Rothman & Emas 8/24/89 \$1,000.00
 12490 Crescent Way
 Miami, FL 33156

OCCUPATION: Attorney

 . FULL NAME & ADDRESS: DATE AMOUNT
 Victory '89 Federal Account 8/24/89 \$11,000.00
 175 N.W. 1st Avenue
 Miami, FL 33128

 . FULL NAME & ADDRESS: DATE AMOUNT
 Washington PAC 8/24/89 \$1,000.00
 444 N. Capitol St., N.W.
 Washington, D.C. 20001

 . FULL NAME & ADDRESS: NAME OF EMPLOYER: DATE AMOUNT
 Peter L. Wechsler Rumberger & Kirk 8/24/89 \$1,000.00
 2 S. Biscayne Blvd., #3410
 Miami, FL 33131

OCCUPATION: Attorney

 . FULL NAME & ADDRESS: NAME OF EMPLOYER: DATE AMOUNT
 Kenneth J. Weil Floyd, Pearson 8/24/89 \$1,000.00
 175 N.W. 1st Avenue
 Miami, FL 33128

OCCUPATION: Attorney

 . FULL NAME & ADDRESS: NAME OF EMPLOYER: DATE AMOUNT
 Jeffrey Weiner Weiner, Ross 7/27/89 \$1,000.00
 2250 S.W. 3rd Avenue 8/3/89 \$1,000.00
 Miami, FL 33129-2095

OCCUPATION: Attorney

 . FULL NAME & ADDRESS: NAME OF EMPLOYER: DATE AMOUNT
 Sherwood M. Weiser Continental Companies 7/31/89 \$1,000.00
 3250 Mary Street
 Miami, FL 33133

OCCUPATION: Executive

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FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Bernard Wolfson 2655 LeJeune Road Coral Gables, FL	Wolfson & Starkman	8/21/89	\$1,000.00
OCCUPATION: Attorney			
FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Kenneth Wolofsky 2 Grove Isle, #1403 Coconut Grove, FL 33133	Self	7/27/89	\$1,000.00
OCCUPATION: Builder			
FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Peter Wolofsky 400 Leslie Dr., #1102 Hallandale, FL 33009	SNW Corporation	7/27/89 8/16/89	\$1,000.00 \$1,000.00
OCCUPATION: Builder			
FULL NAME & ADDRESS:	NAME OF EMPLOYER:	DATE	AMOUNT
Sydney Wolofsky 2131 S. Bayshore Drive Coconut Grove, FL 33133	SNW Corporation	7/27/89	\$1,000.00
OCCUPATION: Builder			

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LAW OFFICES

FLOYD PEARSON RICHMAN GREER WEIL ZACK & BRUMBAUGH

PROFESSIONAL ASSOCIATION
COURTHOUSE CENTER
TWENTY-SIXTH FLOOR
175 N.W. FIRST AVENUE
MIAMI, FL 33128-1817

ROBERT L. FLOYD
RAY H. PEARSON
GERALD F. RICHMAN
ALAN G. GREER
KENNETH J. WEIL
STEPHEN N. ZACK
JOHN M. BRUMBAUGH
BERTHA CLAIRE LEE
ANDREW J. MIRABITO
S. DANIEL PONCE
BRUCE A. CHRISTENSEN
SCOTT D. SHEFTALL
HERMAN J. RUSSOMANNO
CHARLES H. JOHNSON
THOMAS MEERS
DEBRA WEISS GOODSTONE
SCOTT JAY FEDER

GARY S. BEYENSKY
DIANE WAGNER KATZEN
MICHAEL A. HANZMAN
ROBERT J. FIORE
SUSAN K. LABASKY
ROBERT C. LEVINE
ROBERT A. SCHREIBER
MICHAEL E. CRIDEN
MICHELE A. MARACINI
BETH F. BLOOM
ROBERT J. BORRELLO
PAUL H. BUNGE
ESTHER A. ZAPATA
DONNA J. KATOS
LILLIAN VALDESPINO
DAVID P. HERMAN
BETH A. HONOWITZ

305 373-4000
BROWARD 305 523-4297
TELEX 529096-TRIAL
FAX 373-4099

CHARLES A. INTRIAGO
OF COUNSEL - MIAMI

WARREN L. MILLER, P.C.*
OF COUNSEL-D.C.
SUITE 1000
1200 18TH ST. NW
WASHINGTON, D.C. 20036
202 223-6565

*LICENSED TO PRACTICE IN
WASHINGTON, D.C.
AND
VIRGINIA ONLY

July 26, 1990

Robert F. Bauer
Perkins & Cole
1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005

RE: MUR 3044 - Richman for Congress Committee
and Gerald F. Richman, As Treasurer

Dear Bob:

I have considered the current state of the proceeding before the FEC, and I want to give you my own perspective as a lawyer, former candidate and individual with a life-long commitment to my reputation and high standards of personal integrity.

I begin with the premise that I was perplexed as to how the violations occurred. Throughout the campaign I was informed by Tom Alberts (my campaign manager for the first eight weeks of the ten-week campaign, who also on a voluntary basis continued to work on the campaign for the last two weeks and continues to be responsible for the supervision of the Federal Election Commission reporting requirements) that he was in constant touch with the FEC and was faithfully carrying out my directive that we fastidiously ensure complete compliance with the law. While I anticipated making many sacrifices, such as the personal impact on my young children and the financial impact of leaving a successful law practice in exchange for a career in public service, one sacrifice I never would be willing to make would be to risk my reputation.

This is my view of the alleged violations in light of the facts established by the records and the enclosed affidavit.

1. No one on my staff including myself during the first eight weeks of the campaign had ever had any experience with the federal election laws and the reporting requirements. As a result, Tom Alberts kept in constant touch with the Commission through

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July 26, 1990

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correspondence and numerous phone calls in his efforts to ensure compliance with the legal requirements. At the inception, my regular legal secretary, Diane S. Bardelas, was given the responsibility of receiving, recording, depositing, and reporting campaign contributions. Initially, other than my own loans to the campaign, there were hardly any contributions to report. As my campaign became more credible, particularly after I surprised the community and the press by coming in first in the primary, that responsibility required more of her time, and during the campaign she was given a leave of absence from my firm and went to work full time for the campaign with the primary duty of just handling proper financial reporting.

Mrs. Bardelas was responsible for and carefully took care of the timely reporting of all campaign contributions, including the required 48-hour reports by practically daily telegrams, until the last few days of the campaign when an unforeseen error occurred on her part as set forth below.

2. As can be seen from an analysis of the alleged violations, almost all of the failures to report campaign contributions within 48 hours related to Friday, August 25, and Saturday, August 26. Until then, with the exception of two candidate loans and two in-kind contributions, as well as some addresses and occupations that could not be timely obtained, the 48 hour law was meticulously complied with by numerous reports and telegrams.

3. Through August 24, the required \$1,000 or more cash contributions were timely reported within 48 hours of receipt. The procedure set up was that as soon as the checks were received and delivered to Mrs. Bardelas, she first recorded them on the FEC report including the date received, and she would then deposit them as soon as possible. Thereafter, she would ensure that those contributions in amounts of \$1,000 or more were included in a telegram sent to the FEC as required by law.

4. From the inception of the campaign through the eighth week, the campaign headquarters consisted of a very small low-rent storefront office in a questionable neighborhood on Miami Beach. When the runoff was won on August 15, which followed the win in the August 1 primary, experienced campaign managers Brian Lunde and George Berger from Washington came aboard to take over as managers of the campaign and moved a major part of the campaign to new quarters for the last two weeks. This resulted in significant dislocation, but nevertheless, Mrs. Bardelas was initially able to keep up with the dramatically increasing number of contributions as the campaign suddenly attained national attention. Tom Alberts, while no longer salaried, remained with the campaign on a voluntary

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basis with one of his responsibilities being to handle financial reporting. He continued to work with Mrs. Bardelas in that regard.

5. On August 22, for the first and only time during the campaign, I personally traveled to Washington with the assistance of a professional fundraiser and met with numerous individuals and PACs, as I was facing the final week against a well-financed opponent who did not have to participate in a runoff and who was spending very little of her own money after raising approximately \$1,000,000.

6. My visit to Washington was successful. Now that my candidacy finally had credibility, we were unexpectedly deluged with contributions, an event not foreseen and simply beyond the capability of my small, mostly volunteer staff.

7. Suddenly, in the last few days of the campaign checks began to arrive from numerous sources, and many were initially sent to different addresses and given to different people, until they finally arrived in Mrs. Bardelas' hands. Many arrived without addresses, or employment, and they arrived so quickly she simply could not keep up with the detailed procedures. Specifically, on Friday, August 25, she received approximately 100 checks to process, far beyond what she had received in any prior single day. On that day, while the approximately 100 checks were logged in on the Election Commission report form, only 26 got deposited, and of those 26, 11 were for \$1,000 or more which should have then been reported within 48 hours. The rest of the checks were not able to be deposited until Monday, August 28 which was during the last two days of the election.

8. Other checks were received and logged in on Saturday, August 26, and also could not be deposited until Monday, August 28. Meticulously following procedures of logging in the checks as received, the reports correctly reflect receipt on August 25 and August 26. On Saturday, August 26, there were five checks of \$1,000 or more from individuals and five checks of \$1,000 or more from PACs that did not get deposited until August 28. There was no one available to supervise the receipt or the 48 hour reporting requirement during the weekend.

Mrs. Bardelas, having just now been apprised of what the alleged violations are and having reviewed the records that show that they relate to the \$1,000 or more contributions logged in as having been received on August 25 and August 26, has attempted to reconstruct what happened, more than one year later. She has simply and honestly concluded that she was deluged on August 25, had no help on August 26, was not working on Sunday, August 27, and believes that she was either erroneously advised or simply erroneously assumed that on August 28 no 48 hour reports needed to

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be telegraphed, because it was the next to the last day of the campaign and she had been told that during the last two days of the campaign, the 48 hour reporting requirement no longer applied.

9. In the normal course of events, the regular reports were filed and no one on our staff, including myself and Mr. Alberts, had the slightest idea that this honest and good-faith error had occurred after we had all worked so hard to meticulously comply with every requirement.

10. Regarding the question of failure to include occupations or addresses, as to the comparative handful of contributors, given the fact that checks came from various sources to various people before they got to Mrs. Bardelas and particularly during the deluge of the last week, it was simply impossible to keep up with that requirement. Subsequently, as we were advised by the Commission's representative on how to comply with law, substantial and major efforts were expended by Mrs. Bardelas trying to track down the addresses and occupations of all contributors. A substantial amount of time and money was spent on that effort and with the exception of a handful of people it was obviously successful.

11. As to the \$1,000 contributions of Mr. Spiegel and Mr. and Mrs. Weiss, those, as properly reported, were not cash contributions, but were in-kind contributions in the form of hosting meet-the-candidate gatherings. The information indicating that they were estimated at approximately \$1,000 was not received until more than 48 hours later and, therefore, was not reported until a later time although the events occurred during the campaign. In other words, we had no definite information indicating that the amount was approximately \$1,000 until some later time, possibly even after the campaign, and therefore, Mr. Alberts and Mrs. Bardelas were not in a position to report them nor frankly did they clearly understand that an in-kind contribution of that kind fell within the 48 hour requirement.

Having also just been apprised that one of the two \$1,000 in-kind contributions as to which a violation was alleged was the gathering held at the small condominium apartment of Mr. and Mrs. Weiss, I have reviewed the available information and it is clear that \$1,000 was an inaccurate overestimate given the size of the apartment, the fact that it was not professionally catered nor elaborately done, and that there were a relatively small (under 50) number of people in attendance. Moreover, it falls within the "at home" exception. Mr. Spiegel, the other \$1,000 in-kind contributor, has supplied an affidavit showing the contribution to be only \$850.

12. Finally, with regard to the two \$50,000 candidate loans which were not put on the 48 hour reports, there was an apparent

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July 26, 1990
Page 5

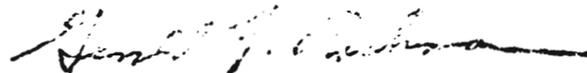
ambiguity in the interpretation of the legal requirements as to whether loans by the candidate himself had to be reported within 48 hours. They all were, of course, otherwise completely reported. I also note that Mrs. Bardelas did not have these candidate loans immediately called to her attention because we did not understand that it was required to be done. Perhaps had I been an incumbent, and had a substantial and experienced staff that would have been able to oversee the entire election, this unintentional oversight would not have occurred.

The above facts should amply demonstrate that neither the intent of the congressional mandate nor the public interest will be served by penalizing me for the oversights and confusion that occurred in a truly unique and difficult situation, particularly when this campaign already cost me and my family in excess of \$280,000 directly out of my pocket and in light of the gargantuan good faith and unbelievably burdensome attempts made to comply with every aspect of the Federal Election law.

Any civil penalty imposed, no matter how slight, will tarnish my reputation. How could the general public understand any penalty being imposed under the specific circumstances of this case?

This is my view of the matter, and I am the one with the most at stake. I wanted you to have it and to do with it as you see fit.

Sincerely,



Gerald F. Richman

GFR:dsb

FOR
THE OFFICE TO ENFORCE MAILING

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

September 4, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
9/4
90-100 35 PH 5:00

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

Attention: Xavier K. McDonnell

Re: MUR 3044 - Richman for Congress Committee
and Gerald F. Richman, as Treasurer

Dear Mr. Noble:

This letter is in response to the Commission's notice dated August 16, 1990, that the General Counsel's Office is prepared to recommend that the Commission find probable cause to believe that a violation had occurred in the above-referenced Matter Under Review. Respondents submit this response to the General Counsel's brief supporting its recommendation.

Respondents incorporate by reference the materials submitted to the FEC on August 16, 1990, copy attached, in response to ongoing conciliation efforts with the General Counsel's office. Apparently the Commission's and Respondents' letters crossed in the mail.

As argued in those materials, as well as in Respondents' original submission to the Commission, the unique circumstances of the 1989 Florida special election make the Commission's consideration of this matter more difficult. Respondents are not attempting to dispute the letter of the law in this case. Rather, the FEC's interpretation of that law in the unique factual situation presented here is key to an appropriate disposition of this case. The Commission cannot apply the law in a vacuum. It must take into consideration the reality of the elections that occurred.

In other MURs, the Commission has noted factors surrounding the 48-hour reports in deciding not to pursue further action.

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Lawrence M. Noble
September 4, 1990
Page 2

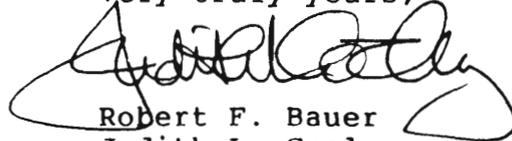
In MUR 2299, for example, the Commission found that where the contributions were subsequently disclosed on the next scheduled report, "nothing further can be done to remedy this failure." See also MURs 1483 and 2200. In each of these cases, the Commission found that while a violation had occurred, no further action was necessary.

A similar finding should be made here. The close scheduling of the special elections guaranteed that the contributions would be disclosed on the subsequent report very shortly after they were received. Furthermore, as the enclosed documentation demonstrates, this was not a situation where the Respondents failed completely to comply with the law. Their good-faith efforts at compliance were demonstrated by the numerous 48-hour reports that were filed. Only on the final two days of the 48-hour period did the system established by the Committee break down, and then only because of the unique circumstances of this special election.

The Commission should take no further action in this case. A finding of probable cause is unnecessary.

If you have any questions or need additional information, please contact the undersigned.

Very truly yours,



Robert F. Bauer
Judith L. Corley
Counsel for Respondents

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3044
Richman for Congress Committee, and)
Gerald F. Richman, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 30, 1990, the Commission found reason to believe that the Richman for Congress Committee (the "Committee") and Gerald F. Richman, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(6)(A) by failing to notify the Commission of the receipt of \$158,000 last-minute contributions and by failing to identify contributors on 14 of the special notices which were filed. At the Respondents' request, on June 19, 1990, the Commission determined to enter into negotiations directed towards reaching a settlement of this matter, and approved a conciliation agreement. Despite repeated inquiries from a staff member of this Office, the Respondents failed to submit a counteroffer within 30 days. See Attachment 1.

On August 16, 1990, the Office of General Counsel mailed a probable cause brief to the Respondents. Attached is a response which the Committee submits as a reply brief. Attachment 2. For the reasons stated in the General Counsel's brief and in this report, the Office of General Counsel recommends that the Commission find probable cause to believe the Respondents violated 2 U.S.C. § 434(a)(6)(A).

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II. ANALYSIS

In the response, the Committee states that the Commission "cannot apply the law in a vacuum," and asserts that due to the unique circumstances involved the Commission should take no further action in this matter. Attachment 2 at pages 2 and 3. The Respondents cite MURs 1483, 2200 and 2299 as examples of matters in which the Commission has taken no action, although similar violations had occurred.

Respondents' reliance upon the cited cases is misplaced. To begin with, in each of these cases the amount in violation was far less than that which is involved here. For instance, MUR 1483 involved 2 contributions totaling \$16,000, MUR 2200 involved three \$1,000 contributions which were simply reported a few days late, and in MUR 2299, which was raised sua sponte, the total amount in violation was \$12,000. In more recent cases, the Commission has consistently taken action with regard to the failure to file 48 hour notices, despite the fact that the contributions were disclosed in reports subsequently filed with the Commission. See e.g., MURs 2676, 2699, 2776, 3042, 3057, 3058. Therefore, the Office of General Counsel recommends that the Commission deny the Respondents' request to take no further action.

The Committee also argues that two in-kind contributions were not required to be reported, that they exercised "best efforts" to identify contributors on 14 of the 15 special notices which were filed, and that there was confusion as to whether

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special notices are required to be filed for bank loans. See Attachment 2 at pages 3-23.

A. In-Kind Contributions

In its 1989 30 Day Post Special Election Report, the Committee reported the receipt of two \$1,000 contributions for catering. Specifically, the Committee reported the receipt of a \$1,000 contribution from Frederick B. Spiegel on July 13, 1989, and a \$1,000 contribution from Rosalyn and Bernard Weiss on July 17, 1989. These contributions were received after 20 days but more than 48 hours before the primary election, and yet special notices were not filed. 2 U.S.C. § 434(a)(6)(A).

The Respondents now have submitted affidavits which indicate that the in-kind contributions did not amount to \$1,000. See Attachment 2 at pages 6 and 7. From the evidence adduced, it appears that these two contributions did not total \$1,000 each, and were therefore not subject to the requirements of Section 434(a)(6)(A).¹ Accordingly, these contributions have not been included in the attached conciliation proposal. Attachment 4.

B. Best Efforts

In addition to failing to report the receipt of \$156,000 in contributions, the Committee failed to properly identify contributors on 14 special notices which were filed. 2 U.S.C.

1. However, the purported affidavit of Rosalyn and Bernard Weiss is not sworn to by the contributors themselves. Rather, the affidavit is sworn to by the contributors' daughter, Debra Weiss Goodstone. Attachment 2 at page 6.

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§ 431(13); 2 U.S.C. § 434(a)(6)(A). These notices, for contributions totaling approximately \$200,500, were sent by mailgram throughout August, 1989.² The special notices provided the names of over 100 contributors, the amounts contributed and the date of receipt, yet failed to provide the address, occupation or employer of any contributors. The notices did not "identify" contributors as that term is defined in the Act. 2 U.S.C. § 431(13).

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The Respondents cite Section 432(i), and assert that they exercised "best efforts" to obtain the identity of contributors. Section 432(i) provides that when the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required, any records or reports shall be considered to be in compliance with the Act. 2 U.S.C. § 432(i). With regard to reporting the identification of contributors, the Commission's regulations provide that the treasurer will not be deemed to have exercised best efforts to obtain the required information unless he or she has made at least one effort per solicitation either by written request or by an oral request documented in writing. 11 C.F.R. § 104.7(b).

Respondents' reliance upon the best efforts rule appears to be misplaced here. The evidence at hand suggests that the Committee possessed at least some of the information necessary to

2. This figure is an approximation because the notices are extremely difficult to read.

properly identify the contributors at the time the 48 hour reports were filed. To begin with, Mr. Richman has indicated that the Committee had established a procedure whereby contributor checks were logged in.

The procedure set up was that as soon as the checks were received and delivered to Mrs. Bardelas, she first recorded them on the FEC report, including the date received, and she would then deposit them as soon as possible. Thereafter, she would ensure that those contributions of \$1,000 or more were included in a telegram sent to the FEC as required by law.

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See Attachment 2 at page 31. The Pre-General report, dated August 22, 1989, and the Post General report, dated October 6, 1989, disclosed nearly all of the required information, yet the 48 hour notices failed to disclose a single address, occupation, or employer. Respondents have failed to present any evidence establishing that the Committee requested the information not disclosed on the 48 hour notices between the time the special notices were submitted and the time the Pre-General and Post General Reports were filed with such information.³ In fact, the candidate acknowledges that the failure to properly identify

3. The Committee has submitted copies of occupation request forms, which were apparently sent out October 5, 1989, well after the Pre-General report was filed and a day before the Post General report was filed. See Attachment 2 at pages 8-10. The Committee also indicates that it made telephone inquiries to obtain contributor information, noting that it was aware that many of the contributors were attorneys. Id. at page 4. Despite the Committee's concession that it possessed contributors' telephone numbers, the 48 hour reports failed to disclose the address of a single contributor, although such information was either within the Committee's possession, or was easily accessible.

contributors was due to the fact that "particularly during the deluge of the last week, it was impossible to keep up with that requirement." Attachment 2 at page 33.

The best efforts rule was designed to allow political committees flexibility in obtaining information from persons who are not under its control. H.R. Rep. No. 422, 96th Cong., 1st Sess. reprinted in 1979 U.S. Code Cong. & Ad. News 2860, 2874. However, it was not intended to excuse a committee's failure to properly disclose information within its possession or reasonably ascertainable at the time 48 hour notices are filed.⁴ Given the facts at hand, it does not appear that this matter involves the inability to obtain information after exercising "best efforts." Rather, what appears to have happened here is that the Committee's inexperienced staff was either too busy or simply failed to realize that the Act requires that 48 hour notices contain this information. This conclusion is bolstered by the fact that the first 48 hour notice filed by the Committee, which was prepared by an outside consultant, properly disclosed the identity of contributors, including addresses, occupations and employers. See Attachment 3. Accordingly, the Office of General Counsel recommends that the Commission find probable cause to believe that the Richman for Congress Committee, and Gerald F. Richman, as

4. Such an interpretation of the best efforts rule would effectively allow the Committee to completely circumvent the Act's requirement that special notices disclose the identity of persons contributing \$1,000 or more before any election.

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treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to properly identify contributors on the 14 special notices.

C. Bank Loans

The Respondents assert that there was "considerable confusion as to whether candidate loans were required to be treated as contributions reportable under the 48-hour reporting rules." Attachment 2 at pages 4-5. They contend that the confusion stems, in part, from the fact that bank loans are specifically exempted from the definition of contribution. In addition, the Committee cites certain 800 Line articles in the Federal Election Commission Record and asserts that "[g]uidance available from the Commission at the time on this matter did not help to clarify it." Id at page 5.

Respondents' assertions are not persuasive. While the statute provides that the term contribution does not include "any loan of money by a State bank," it explicitly provides that such loans shall be considered a contribution by each endorser and guarantor. 2 U.S.C. § 431(8)(B)(vii). In any event, nothing in the language cited suggests that the \$50,000 candidate loan would be exempt from the definition of contribution.

Moreover, the Respondents have not presented evidence to suggest that the Committee consulted the 1988 Record, or otherwise sought guidance from the Commission. Rather, it appears that the Committee's admittedly inexperienced staff assumed that loans were somehow not subject to the 48 hour reporting requirements.

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Finally, Respondents' contention that the statute's language is ambiguous is severely undermined by the fact that the Committee actually reported a total of \$175,000 in candidate loans on the one properly filed 48 hour notice. See Attachment 3 at page 5. This notice, filed on July 28, 1989, not only included loans, but identified almost all of the contributors. Accordingly, the Office of General Counsel recommends that the Commission find probable cause to believe the Richman for Congress Committee, and Gerald F. Richman, as treasurer, violated 2 U.S.C. § 434(a)(6)(A) by failing to disclose within 48 hours of receipt these two \$50,000 loans.

III. DISCUSSION OF PROBABLE CAUSE CONCILIATION

IV. RECOMMENDATIONS

1. Deny the request of the Richman for Congress Committee and Gerald F. Richman, as treasurer, to take no further action with regard to the violation of 2 U.S.C. § 434(a)(6)(A).
2. Find probable cause to believe the Richman for Congress

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Committee, and Gerald F. Richman, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).

3. Approve the attached conciliation agreement and appropriate letter.

Date

10/19/90



Lawrence M. Noble
General Counsel

Attachments

1. Letter to Counsel
2. Committee's response
3. Additional report
4. Proposed conciliation agreement

Staff assigned: Xavier K. McDonnell

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3044
Richman for Congress Committee, and)
Gerald F. Richman, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 23, 1990, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3044:

1. Deny the request of the Richman for Congress Committee and Gerald F. Richman, as treasurer, to take no further action with regard to the violation of 2 U.S.C. § 434(a)(6)(A).
2. Find probable cause to believe the Richman for Congress Committee, and Gerald F. Richman, as treasurer, violated 2 U.S.C. § 434(a)(6)(A).
3. Approve the conciliation agreement and appropriate letter as recommended in the General Counsel's report dated October 18, 1990.

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

Attest:

10-23-90
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 29, 1990

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

RE: MUR 3044
Richman for Congress Committee
and Gerald F. Richman, as treasurer

Dear Mr. Bauer and Ms. Corley:

On October 23, 1990, the Federal Election Commission denied the request of the Richman for Congress Committee, and Gerald F. Richman, as treasurer ("your clients") to take no further action with respect to the apparent violation of 2 U.S.C. § 434(a)(6)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Also on October 23, 1990, the Commission found that there is probable cause to believe that your clients violated 2 U.S.C. § 434(a)(6)(A).

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

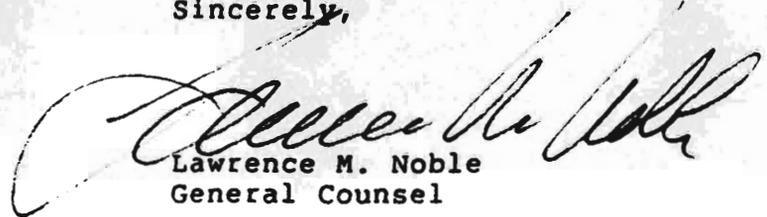
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission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

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Robert F. Bauer
Judith L. Corley
Page 2

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

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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RECEIVED
FEDERAL ELECTION COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Richman for Congress Committee, and
Gerald F. Richman as treasurer

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MUR 3044

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a signed conciliation agreement submitted by the Richman for Congress Committee (the "Committee"), and Gerald F. Richman, as treasurer (the "Respondents").

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II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Richman for Congress Committee and Gerald F. Richman, as treasurer.
2. Approve the appropriate letter.
3. Close the file.

Lawrence M. Noble
General Counsel

3/6/91
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachment
Signed conciliation agreement with final payment.

Staff Assigned: Xavier K. McDonnell

21040332051

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Richman for Congress Committee,) MUR 3044
and Gerald F. Richman as)
treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 12, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3044:

1. Accept the conciliation agreement with the Richman for Congress Committee and Gerald F. Richman, as treasurer, as recommended in the General Counsel's Report dated March 6, 1991.
2. Approve the appropriate letter, as recommended in the General Counsel's Report dated March 6, 1991.
3. Close the file.

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

Attest:

3-12-91
Date

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

Received in the Secretariat: Thurs., Mar. 7, 1991 4:34 p.m.
Circulated to the Commission: Fri., Mar. 8, 1991 12:00 p.m.
Deadline for vote: Tues., Mar. 12, 1991 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 14, 1991

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

CLOSED

RE: MUR 3044
Richman for Congress Committee and
Gerald F. Richman, as treasurer

Dear Mr. Bauer and Ms. Corley:

On March 12, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(a)(6)(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. Should you have any questions, please contact Xavier K. McDonnell, the attorney assigned to this matter, at (202) 376-8200.

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 3044
Richman for Congress Committee, and)
Gerald F. Richman, 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. On October 23, 1990, the Commission found probable cause to believe that the Richman for Congress Committee ("the Committee"), and Gerald F. Richman, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(6)(A).

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

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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

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

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

1. The Richman for Congress Committee is the principal campaign committee of Gerald F. Richman (the "Candidate"), and is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Gerald F. Richman is currently the treasurer of

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the Richman for Congress Committee. Mr. Richman became treasurer of the Committee on October 3, 1989.

3. Pursuant to 2 U.S.C. § 434(a)(1), each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of 2 U.S.C. § 434. Pursuant to 2 U.S.C. §§ 434(a)(6)(A) and (B), the candidate's principal campaign committee must notify the Clerk, the Secretary, or the Commission of any contributions of \$1,000 or more received after the 20th day, but more than 48 hours before an election. This notification must be made within 48 hours of receipt, and the contributions must also be itemized in the committee's next scheduled report.

4. Pursuant to 2 U.S.C. § 434(a)(6)(A), the notification must include the name of the candidate, the office sought by the candidate, the identification of the contributor, and the date of receipt and the amount of the contribution. Pursuant to 2 U.S.C. § 431(13), the identification of an individual requires the giving of the name, the mailing address, and the occupation of the individual, as well as the name of his or her employer, while the identification of any other person would include the name and address of such person.

5. The Candidate ran in the three special elections held during August 1989, for the Eighteenth Congressional district in Florida. The three pertinent elections were the special primary election, held on August 1, 1989, the special runoff election, held on August 15, 1989, and the special general election, held on August 29, 1989.

6. In order to comply with 2 U.S.C. § 434(a)(6)(A),

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the Respondents were required to file notices of all contributions of \$1,000 or more received from July 13 through August 26, 1989.

7. The Respondents' 30 Day Special Pre-General Election Report discloses that the Committee received a \$50,000 bank loan from the Candidate on August 8, 1989. The Respondents' Special Post-General Election Report discloses that on August 16, 1989, the Committee received a \$50,000 bank loan endorsed by the Candidate. In addition, between August 9, 1989 and August 26, 1989, the committee received 29 contributions of \$1,000 or more, totaling \$56,000. Of these 29 contributions, 26 were received on Friday, August 25 and Saturday August 26, 1989.

8. From August 1 through August 25, 1989, the Respondents filed 14 special notices of contributions which were for \$1,000 or more, totaling \$200,500. These notices did not disclose the contributors' addresses, occupations or employers.

V. The Respondents make the following contentions regarding the circumstances giving rise to this matter:

1. The 1989 Congressional elections for the Eighteenth District in Florida were unique in that three elections were scheduled within a 29 day period, increasing the time period for which special notices were required to be filed pursuant to 2 U.S.C. § 434(a)(6)(A).

2. The Committee received approximately 100 contributions on the Friday and Saturday which preceded the special general election on Tuesday, August 29, 1989, making it difficult for it to comply with the requirements of 2 U.S.C. § 434(a)(6)(A). The Committee contends that they it made substantial good faith efforts to comply with the 48 hour notice

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requirements.

3. The information required to be filed on 48 hour notices was subsequently disclosed on the Respondents' 12 Day special pre-general report, filed before the special general election, and on the Respondents' 30 day post special general report which was dated September 28, 1989, 30 days after the special general election. In addition, the information omitted from the 14 special notices was supplied on reports subsequently submitted to the Commission.

VI. Respondents failed to file notices, within 48 hours of receipt, for \$156,000 in contributions for \$1,000 or more, received after the 20th day but more than 48 hours before these three special elections, and thereby violated 2 U.S.C. § 434(a)(6)(A). In the 14 notices filed with the Commission, the Respondents failed to identify contributors by address, occupation and employer, in accordance with 2 U.S.C. § 431(13), and thereby violated 2 U.S.C. § 434(a)(6)(A).

VII. Respondents will pay a penalty to the Federal Election Commission in the amount of three thousand dollars (\$3,000) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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that all parties hereto 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 requirement contained in this agreement and to so notify the Commission.

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:


Lois G. Lerner
Associate General Counsel

Date 3/13/91

FOR THE RESPONDENTS:


Name: Robert F. Bauer/Judith L. Corley
Position: Counsel for Respondents

2/26/91

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3044

DATE FILMED 3/29/91 CAMERA NO. 4

CAMERAMAN AS

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