



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3082

DATE FILMED 1/16/91 CAMERA NO. 2

CAMERAMAN AS

91040313763

OBC 6906

FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION



DEMOCRATIC
CONGRESSIONAL
CAMPAIGN COMMITTEE

90 JUL 10 AM 10:25

Beryl Anthony, Jr., AR
Chairman

July 6, 1990

MUR 3082

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

Dear Commissioners:

The Democratic Congressional Campaign Committee ("DCCC") files this complaint charging violations of the Federal Election Campaign Act of 1971, as amended ("FECA" or "the Act"), 2 U.S.C. section 431 et seq., and related regulations of the Federal Election Commission ("FEC" or "the Commission"), 11 C.F.R. section 100.1 et seq., by Tom Scott and his principal campaign committee ("the Committee") (referred to collectively hereafter as "Respondents").

Respondents have violated the Act by failing to file in a timely manner the pre-election report required in the state of Connecticut.

The Law

The FECA requires that 12 days before the date of an election, the candidate must file a report detailing receipts and disbursements collected in connection with that election. 2 U.S.C. section 434(a)(2)(A)(i).

The FEC provides that a political party convention which has the authority to nominate a candidate for election in the general election is considered a separate election. 2 U.S.C. section 431 (1)(B). See also, e.g., Advisory Opinion 1978-30, 1 Fed. Election Camp. Fin. Guide (CCH) 5325. The Commission has specifically held that party nominating conventions in Connecticut are separate elections. Advisory Opinion 1982-49, 1 Fed. Election Camp. Fin. Guide (CCH) 5693.

Where a convention is considered to be an election because it has the authority to nominate a candidate for the general election, the Commission has held that a candidate must file a pre-convention report, even if that candidate is unopposed at the convention. Advisory Opinion 1986-21, 1 Fed. Election Camp. Fin. Guide (CCH) 5859.

430 SOUTH CAPITOL STREET • WASHINGTON, DC. 20003 • (202) 863-1500

Contributions to the DCCC are not tax deductible.
Fiduciary and authorized to file Democratic Congressional Campaign Committee



RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
90 JUL 10 PM 2:52

2 1 0 3 1 3 7 6 4

Discussion

Both the Democratic and the Republican parties of Connecticut are holding their respective nominating conventions for the 1990 general election on July 16, 1990. As noted above, in Advisory Opinion 1982-49, the Commission held that the Connecticut nominating conventions are considered to be an election under the FECA, since they have the authority to nominate candidates for the general election. Under the holding of Advisory Opinion 1986-21, candidates participating in the Connecticut parties' nominating conventions, therefore, are required to file a pre-election report no later than 12 days before the date of the nominating convention. In 1990, this report was due on July 3.^{1/}

In an Associated Press wire service story dated July 5, 1990 (copy attached), it was reported that Tom Scott, the Republican candidate for Congress in the Third District of Connecticut, had failed to file this pre-election report. Scott will be participating in the Republican Party nominating convention on July 16.

The candidate's political director is quoted in the article as saying that " he understood Scott had until July 15 to file an account of his fundraising." This date, however, would appear to correspond to the due date for the quarterly report due from all candidates. This quarterly report is separate and distinct from the pre-election report due on July 3, and since it must be filed only one day before the nominating conventions, would not serve any purpose of informing the citizens of Connecticut about the activities of the Committee in a timely manner.

Failure to file a pre-election report is a serious violation. Pre-election reports are the most important disclosure documents a campaign will file, since the contents are most likely to have an impact on the outcome of an election. By failing to file in a timely manner, Respondents are hiding from the voting public the true nature of the activities of the Committee.

^{1/} In fact, the twelfth day preceding the election was July 4, a federal holiday. Because the Commission has no authority to waive reporting dates, the report was presumably due on the last business day preceding the twelfth day-- July 3.

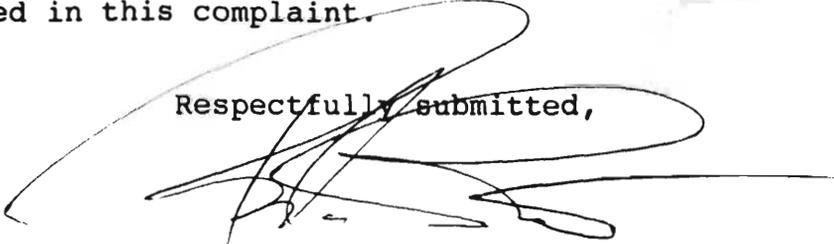
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This conduct should not be condoned. The FEC must act to penalize Respondents for failing to file this vital disclosure report, and must act to prevent any future concealment of the activities of the Committee through failure to file in a timely manner any future reports.

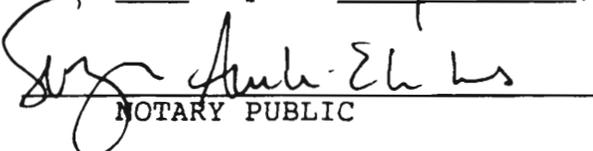
Conclusion

On the basis of the foregoing, the DCCC requests that the Commission conduct a prompt and immediate investigation of the facts stated in this complaint, and take whatever action is necessary to remedy the violations alleged herein. More importantly, the Commission must act to ensure that no further violations occur, and to impose any and all penalties grounded in the violations alleged in this complaint.

Respectfully submitted,


Richard M. Bates
Executive Director

SUBSCRIBED AND SWORN TO BEFORE ME
this 4th day of July, 1990.


NOTARY PUBLIC

My Commission Expires:

SUZANNE ABELE-EBANKS
NOTARY PUBLIC, DISTRICT OF COLUMBIA
My Commission Expires October 31, 1994

21040313756



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 18, 1990

Richard M. Bates, Executive Director
Democratic Congressional Campaign Committee
430 South Capital Street
Washington, D.C. 20003

RE: MUR 3082

Dear Mr. Bates:

This letter acknowledges receipt on July 10, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Thomas Scott and Scott for Congress. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3082. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

91040313767



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 18, 1990

Scott for Congress
Doreen Rynkiewicz
P.O. Box 5106
Milford, CT 06460

RE: MUR 3082

Dear Ms. Rynkiewicz:

The Federal Election Commission received a complaint which alleges that Scott for Congress may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3082. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 matter to be made public. 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.

21040313768

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:



Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

91040813769



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 18, 1990

Thomas Scott
105 Hawley Avenue
Milford, CT 06460

RE: MUR 3082

Dear Mr. Scott:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3082. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 matter to be made public. 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.

91040813770

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

91040313771

OGC 7414

JAMES F. ALTHAM, JR.
ATTORNEY AT LAW
60 ALLENE DRIVE
HAMDEN, CONNECTICUT 06517

90 AUG 14 AM 10:26

(203) ~~288-9424~~ 288-9424

August 10, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT #P 249 752 388

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

Attention: Michael Marinelli, Esq.
General Counsel's Office

Re: MUR 3082

Complainant: Richard M. Bates
Executive Director
Democratic Congressional Campaign Committee
Respondent: Doreen Rymkiewicz
Treasurer, Scott for Congress (CT-3)
Date of Complaint: 7/6/90 (Received by FEC: 7/10/90)

90 AUG 14 PM 12:45
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

21040313772

Dear Mr. Marinelli,

Please be advised that this office represents the respondents in MUR 3082. Enclosed please find a duly executed Statement of Designation of Counsel reflecting that representation.

We are in receipt of the following documents relevant to MUR 3082:

- a) A copy of the 3 page complaint filed by the Democratic Congressional Campaign Committee acting through its Executive Director Richard M. Bates, dated July 6, 1990, and apparently received by the FEC on July 9, 1990;
- b) A document consisting of two pages entitled "Description of Preliminary Procedures for Processing Complaints Filed with the Federal Election Commission;"
- c) A form entitled "Statement of Designation of Counsel;"
- d) A two page letter directed to Scott for Congress to the attention of Miss Doreen Rymkiewicz from FEC General Counsel Laurence M. Noble acting by Lois G. Lerner, FEC Associate General Counsel, listing items a, b and c above as enclosures.

You have indicated to me in a telephone conversation regarding this matter that, despite the requirement of Ms. Lerner's letter that a reply be forwarded by August 2, 1990, the time for replying is extended so that a reply must be postmarked by August 10, 1990. The following is our response to the complaint.

RESPONSE TO THE COMPLAINT:

1. *The Respondent Scott for Congress concedes that there is reason to believe that it have committed a technical violation of 2 USC 434(a)(2)(A)(i) as alleged in the complaint filed by the Complainant. The Respondent Tom Scott denies that there is reason to believe that he has committed any such violation individually.*
2. The Respondent committee was unaware of the statutory meaning of the word "election" as defined in 2 USC 431(1)(B), having mistakenly considered that word to be used in its ordinary and common meaning and therefore assuming, erroneously, that no pre-election report would be due until 8/30/90, 12 days prior to the 9/11/90 primary or 10/25/90, 12 days prior to the actual 11/6/90 general election and that the July quarterly report would be due on July 15, or thereabouts.
3. On or about July 2, 1990, in reviewing a 6/12/90 FEC memorandum entitled "Report Notice" which was ostensibly directed not to the Scott campaign which is in Connecticut's 3rd District but to Republican candidates in the 1st and 5th Districts of Connecticut, Scott campaign personnel became concerned that Scott for Congress might also have to file an "election" report prior to the 3rd District Convention.
4. On or about July 2, 1990, a telephone call was placed by an employee of Scott for Congress to the FEC offices. She inquired as to the necessity of filing an "election" report before the convention. The identity of the FEC employee to whom she spoke is unknown. However, having determined that such a report was indeed required, she pointed out to the FEC employee that, since the convention would be held on 7/16/90, the filing date which is 12 days prior to the convention would fall on July 4, 1990, a national holiday. She asked whether the deadline were therefore extended to 7/5/90, and the FEC employee indicated that, for a 7/16/90 convention, the deadline would be 7/5/90.
5. Scott for Congress had assumed that no report would be due until the 7/15/90 quarterly report and was not prepared to file an immediate report. However campaign personnel, despite the imminence of the convention, promptly went to work to organize the necessary information to complete the required "election" report. They were unable to complete the report prior to 7/5/90.
6. The statutorily required pre-election report relating to the nominating convention of 7/16/90, was mailed by Respondent committee on 7/5/90, certified mail, return receipt requested, receipt #P 487 386 568, to the Office of the Clerk of the House of Representatives, 2036 Longworth Building, Washington, D. C. 20575, (received 7/9/90) and by certified mail, receipt #P487 386 586 on that date to the Elections Division, Campaign Finance Unit, of the Secretary of the State of Connecticut, 30

31 JUL 40 3 1 3 7 7 3

Trinity Street, Hartford, CT 06106. We have no proof of receipt by the Secretary of the State of Connecticut because no return receipt was requested. I have attached hereto as Exhibit A to this response a xerographic copy of the two certified mail receipts and of the return receipt evidencing receipt by the Clerk of the House on 7/9/90.

7. The report was a matter of public record on 7/9/90, a full week prior to the nominating convention. No one was substantially prejudiced. Although there was a technical violation of 2 USC 434(a)(1)(A), the substantive goal of pre-convention disclosure of finances was met at least one week before the convention.
8. The conclusory remarks of the Complainant contained in the last paragraph of page 2 of the complaint that "...the contents of the report are most likely to have an impact on the outcome of the election. By failing to file in a timely manner, Respondents *are hiding from the voting public the true nature of the activities of the Committee.*" (emphasis supplied) are entirely unwarranted and not at all worthy of the stature of the Complainant. Note the utter absence of any allegation in the Complaint or subsequently that there is anything whatever controversial about the report's substance. Furthermore, the Complainant is the *Democratic* Congressional Campaign Committee which presumably has little legitimate interest in which candidate the *Republican* Party may choose to nominate in Connecticut's 3rd District, nor in the well-being of the Republican Party. To our knowledge no complaint has been made by any 3rd District Republican, i.e. by anyone whose own legitimate interests might have been affected.
9. The Complainant has designated as Respondents in this matter the Congressional candidate himself, Tom Scott, and "his principal campaign committee." That committee is Scott for Congress and its designated Treasurer, at all times relevant hereto, was Miss Doreen Rymkiewicz. Based upon a review of the material forwarded to the committee by the FEC, it is our belief that the proper respondent is the committee and/or its treasurer, but not the candidate, Senator Tom Scott, whom I believe to have no independent reporting obligation of his own. He has, pursuant to law, created a principal campaign committee "Scott for Congress" and designated Miss Rymkiewicz as its Treasurer. *Consequently, to the extent that the complaint MUR 3082 by the Democratic Congressional Campaign Committee names Tom Scott individually as a respondent, it is groundless and no reasonable ground for the complaint should be found against him by the FEC.*
10. Both Respondents concede the general validity of the legal analysis of the Complainant embodied in that section of the complaint contained on page 1 thereof and entitled "The Law." The only additional observation which the committee would make is that there are two alternatives contained in the statute for calculating the compliance date. The Complainant refers

only to the alternative of actual filing (or receipt by the Clerk of the House) twelve days prior to the election. The alternative provided by the same statute is "(or posted by registered or certified mail no later than the 15th day before) any election." See 2 USC 434(a)(2)(A)(1).

11. State Senator Tom Scott was nominated as the candidate of the Republican Party for Connecticut's Third District seat in the United States House of Representatives on July 16, 1990, by a delegate convention held at West Haven High School, at which he received the votes of 97 of the 125 delegates. Former State Representative and 1988 Republican nominee Gerard Patton received the other 28 votes.
12. **CONCLUSION** While there has undoubtedly been a technical violation of 2 USC 434(a)(1)(A)(i), the following conclusions should be reached by the FEC:
 - a) Any violation was negligent rather than willful or even knowing;
 - b) Scott for Congress and Miss Rymkiewicz have otherwise displayed a scrupulous adherence to campaign reporting requirements;
 - c) State Senator Tom Scott has had no personal obligation as to filing such reports, having established a principal campaign committee and having designated a treasurer other than himself, and he is therefore not a proper party Respondent to this complaint and there is no reason to believe that he has violated the act in any way and the complaint as to him should be dismissed;
 - d) Though the pre-election report due twelve days prior to the 7/16/90 nominating convention was not received by the Office of the Clerk of the House of Representatives until 7/9/90, it was received well prior to the convention and was fully available to the public and to convention delegates seven days prior to the convention itself;
 - e) The report itself, though not filed in as timely a manner as required by statute, contains absolutely nothing which might lead an objective observer to believe that there was any motive in the late filing in the nature of an attempt to conceal from public officials, convention delegates or members of the general public any information whatsoever the disclosure of which might have been detrimental to Tom Scott's campaign for the Republican nomination for Congress in Connecticut's 3rd District;
 - f) This negligent failure to comply with the reporting requirements of 2 USC 434(a)(1)(A)(i) arose from ignorance of the law and particularly the lay interpretation of the word "election" in that campaign personnel failed to realize that the statutory definition of that term would

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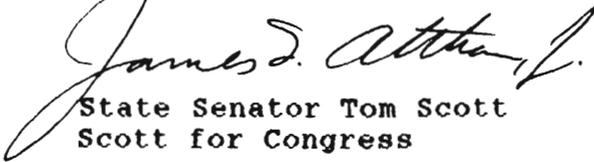
include a nominating convention such as the convention of 7/16/90;

g) Although such ignorance of the law does not excuse the failure to file in a timely fashion, under the circumstances of this specific case, no prejudice has occurred to the legitimate interests of anyone and the violation had no impact on the outcome of the convention;

h) There is reason to believe that a violation occurred and that no damage resulted to anyone whom the statute seeks to protect and that neither Scott for Congress nor Miss Doreen Rymkiewicz are likely to engage in future conduct violative of the reporting statutes;

i) Justice may be done in this case by finding reason to believe that a violation has occurred and by taking no further action due to the specific circumstances of this case.

Respectfully submitted,


State Senator Tom Scott
Scott for Congress

by James F. Altham, Jr., their attorney

21040313776

P 487 386 586

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

U.S.G.P.O. 1989-234-555

Sent to ED - Camp Fin Unit	
Street and No Sec 30 Trinity Street	
P.O. State and ZIP Code Hartford 06106	
Postage	\$ 1.25
Certified Fee	85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.10
Postmark	

PS Form 3800, June 1985

P 487 386 588

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

U.S.G.P.O. 1989-234-555

Sent to Office of Clerk of House	
Street and No 1036 Longworth	
P.O. State and ZIP Code WDC 20575	
Postage	\$ 1.05
Certified Fee	85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.80
Postmark	

PS Form 3800, June 1985

1 3 7 7 7

2 1 0 4 0

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
**Office of Records + Registration
office of the Clerk of the House
1036 Longworth HOB
Washington, DC 20575**

4. Article Number

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X

6. Signature - Agent
X

7. Date of Delivery
21-10-12

8. Addressee's Address (ONLY if received and fee paid)
**U.S. HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
1036 LONGWORTH HOUSE
WASHINGTON, DC 20575**

PS Form 3811, Mar. 1988

U.S.G.P.O. 1988-212-865

DOMESTIC RETURN RECEIPT RECEIVED

EXHIBIT A

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3082

NAME OF COUNSEL: James F. Altham, Jr.

ADDRESS: 60 Allene Drive
Hamden, CT 06517

TELEPHONE: (203) 288-9424

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

8-10-90
Date

Thomas Scott
Signature

RESPONDENT'S NAME: Thomas Scott

ADDRESS: 105 Hawley Avenue
Milford, Ct 06460

HOME PHONE: (203) 877-5551

BUSINESS PHONE: (203) 876-7776

Scott for Congress
P.O. Box 5106
Milford, Ct 06460

N/A
(203) 876-7776

91040813778

**Tom
Scott**
UNITED STATES CONGRESS

Scott for Congress • P.O. Box 5106 • Milford, Connecticut 06460 • (203) 876-7776 • D. Rymkiewicz, Treasurer

August 14, 1990

Clerk of the House of Representatives
Office of Records and Registration
1036 Longworth Office Building
Washington D.C. 20515-6612

Dear Clerk of the House,

Please be advised that Miss Doreen Rymkiewicz is relinquishing her responsibilities as Treasurer for the Scott for Congress campaign committee, FEC # 134155.

The new Treasurer is Marc Zanghi, CPA, 51 Crestwood Road, Milford, Connecticut 06460.

Enclosed is the amendment to the Statement of Organization. Thank you for your assistance.

Sincerely,


Thomas Scott
State Senator

cc: Secretary of State - State of Connecticut
Federal Election Commission

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STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. (a) NAME OF COMMITTEE IN FULL <input type="checkbox"/> (Check if name is changed) Scott for Congress	2. DATE August 6, 1990
(b) Number and Street Address <input type="checkbox"/> (Check if address is changed) P.O. Box 5106	3. FEC IDENTIFICATION NUMBER 134155
(c) City, State and ZIP Code Milford, Ct 06460	4. IS THIS STATEMENT AN AMENDMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

5. TYPE OF COMMITTEE (Check one)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

- (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)
- (e) This committee is a separate segregated fund.
- (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

Type of Connected Organization

- Corporation Corporation w/o Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
Marc J. Zanghi	51 Crestwood Road Milford, Ct 06460	Treasurer

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
MARC J. ZANGHI <i>Marc J. Zanghi</i>	51 CRESTWOOD RD. MILFORD, CT 06460	Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Connecticut National Bank	21 Broad Street Milford, Ct 06460

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

TYPE OR PRINT NAME OF TREASURER	SIGNATURE OF TREASURER	DATE
Marc J. Zanghi	<i>Marc J. Zanghi</i>	8/8/90

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact:
 Federal Election Commission
 Toll-free 800-424-9530
 Local 202-376-3120

FEC FORM 1
(revised 4/87)

21040813780

OGC 7597

State Senator Tom Scott

90 AUG 27 PM 12:00

August 20, 1990

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

Attention: Michael Marinelli, Esq.
General Counsel's Office

Re: MUR 3082

Dear Mr. Marinelli,

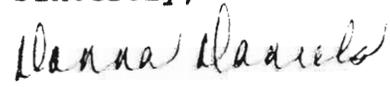
Enclosed please find a duly executed Statement of Designation of Counsel reflecting that the office of Mr. James Altham, Jr. represents the respondent, Miss Doreen Rymkiewicz, in MUR 3082.

As you were informed by Mr. Altham on Friday, August 10, 1990, Miss Rymkiewicz was on vacation and not available to sign the statement at the time the official response was mailed.

Also enclosed please find an amendment to the Statement of Organization for the Scott for Congress campaign committee. Miss Rymkiewicz has relinquished her responsibilities as Treasurer and the committee has appointed Mr. Marc Zanghi, CPA, to fill the position.

Thank you for your assistance.

Sincerely,



Donna Daniels
Finance Director

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 AUG 27 PM 12:50

21040813781

STATEMENT OF DESIGNATION OF COUNSEL

MUR 5082

NAME OF COUNSEL: James F. Altham Jr

ADDRESS: 100 Allene Drive
Hamden, CT, 06517

TELEPHONE: 203 - 288 - 9424

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

8-13-90
Date

Doreen M. Rymkiewicz
Signature

RESPONDENT'S NAME: DOREEN M. RYMKIEWICZ

ADDRESS: SCOTT FOR CONGRESS
P.O. 5106
MILFORD, CT, 06460

HOME PHONE: 878-5737

BUSINESS PHONE: 876-7776

21040313782



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 11, 1990

Marc J. Zanghi, Treasurer
Scott for Congress
P.O. Box 5106
Milford CT, 06460

RE: MUR 3082
Scott for Congress and
Marc Zanghi, as treasurer

Dear Mr. Zanghi:

On July 10, 1990, the Federal Election Commission received a complaint which alleged that Scott for Congress (the "Committee") and its treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission subsequently notified Doreen Rymkiewicz, then treasurer of the Committee, of the complaint. On August 6, 1990, the Committee filed an amended statement of organization indicating that you had replaced Ms. Doreen Rymkiewicz as the treasurer of the Committee. As the new treasurer, you will now become a respondent in this matter. Accordingly, a copy of the complaint is enclosed for your information. We have numbered this matter MUR 3082. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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 matter to be made

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Marc J. Zanghi, treasurer
page 2

public. 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.

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

cc: Thomas Scott

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 3082
DATE COMPLAINT RECEIVED
BY OGC: July 10, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: July 18, 1990 and
September 11, 1990

STAFF MEMBER: Michael Marinelli

COMPLAINANT: Richard M. Bates

RESPONDENTS: Scott for Congress and Marc J. Zanghi,
as treasurer
Thomas Scott

RELEVANT STATUTES: 2 U.S.C. § 431(1)(B)
2 U.S.C. § 434(a)(1)
2 U.S.C. § 434(a)(2)(A)
11 C.F.R. § 100.19

INTERNAL REPORTS CHECKED: 12-Day Pre-Primary Report

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On July 10, 1990, the Commission received a complaint filed by Richard M. Bates, executive director of the Democratic Congressional Campaign Committee.¹ The complaint alleges that Thomas Scott, a candidate for Congress, and his political campaign committee, Scott for Congress (the "Scott Committee"), violated the reporting requirements of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, the

1. At the time the complaint was filed the treasurer of Scott for Congress was Doreen Rymkiewicz. On August 6, 1990, Scott for Congress sent the Commission notice that Doreen Rymkiewicz had been replaced by Marc J. Zanghi as treasurer. This Office sent notice of the complaint to Marc J. Zanghi on September 11, 1990.

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complaint alleges that Mr. Scott was obligated to file a 12-day Pre-Primary Report prior to the July 16, 1990 convention and that the candidate had failed to do so.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background and Response

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Thomas Scott, a member of the Connecticut State Senate, was a candidate for the Republican nomination for Congress in the 3rd Connecticut Congressional District. Part of the nomination process was the participation by Republican candidates in a July 16, 1990 GOP district convention which was to give official party endorsement to the candidate receiving a majority of the convention votes. The candidate who receives the official party endorsement may be challenged by other candidates for the party nomination in a primary election. However in order to force a primary, an opposing candidate must obtain at least 20% of the delegate vote. Should this fail to occur, the party endorsed candidate automatically becomes the party's nominee in the general election.² See Advisory Opinions 1976-58 and 1982-49.

On August 14, 1990 this Office received a response filed by counsel for Thomas Scott and the Scott Committee. The response states that the Scott Committee initially did not believe that the GOP district convention was considered an "election" under the Act. See Attachment 1 at 2. Therefore, the response asserts, the Scott Committee assumed it was not required to file

2. At the convention Mr. Scott received the official party endorsement. A second candidate, Gerald Patton, was able to secure 22% of the convention votes to force the primary election held on September 11, 1990.

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a 12-day Pre-Election Report prior to the July 16, 1990 convention. The Scott Committee believed that the first report it was required to file was the July 15 Quarterly Report. The response notes that upon discovering the need to file the 12-Day Pre-Election Report the Scott Committee contacted the Commission on July 2, 1990. The response states the Scott Committee was told in a conversation with unnamed Commission personnel that a report could be filed by July 5, 1990 rather than on July 4, 1990, a legal holiday. Citing as explanation the pressures of the upcoming convention, the response admits that the Scott Committee was unable to prepare and deliver the report in time to meet the July 5, 1990 deadline. According to the response, however, the 12-Day Pre-Election Report was sent by certified mail on July 5, 1990. The Commission received the report on July 9, 1990, before the date of the convention.

The response, while admitting that the Scott Committee was in violation of the Act in failing to timely file the 12-Day Pre-Election Report, argues that the candidate himself had nothing to do with the Committee's violation. The response notes that the designated treasurer was responsible within the Scott campaign for the filing of the reports and the candidate assumed no role in this process. Therefore, the complaint asserts, Mr. Scott is not a proper respondent to the complaint and any action relating to him should be dismissed.

B. The Law

Under the Act, the term "election" includes a convention or caucus of a political party which has authority to nominate a candidate. 2 U.S.C. § 431(1)(B).

All political committees are obligated to file reports of receipts and disbursements. 2 U.S.C. § 434(a)(1). Among the reports it is obligated to file, a principal campaign Committee of a Congressional candidate must file a pre-election report. Ordinarily, in order to be timely filed, this report must be received by the 12th day before the election. 2 U.S.C. § 434(a)(2). A report is considered timely filed when sent through registered or certified mail and postmarked no later than the last day of the filing deadline. However, a pre-election report sent through certified or registered mail is specifically required to be postmarked no later than the 15th day, rather than 12th day, before the election. 11 C.F.R. § 100.19.

C. Application of Law to the Facts

The Commission previously determined that the district conventions held by the Democratic and Republican parties of Connecticut are elections under the Act since they have the authority to nominate candidates. See Advisory Opinions 1976-58 and 1982-49.³ Therefore, the Scott Committee was obligated to

3. The Commission noted in Advisory Opinion 1976-58 that it is possible that a challenger to the party endorsed candidate will fail to gain the prerequisite threshold of support to force a primary. "In such a case," the Commission noted, "the convention endorsement is tantamount to a nomination of the candidate and would fall within the ... definition of 'election' as a convention with the "authority to nominate a candidate." The Commission determined that the possibility this might occur

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file a 12-Day Pre-Election Report by July 5, 1990. Further information provided by Staff from the Information Division indicates that on June 11, 1990, the Scott Committee was sent a notice of its requirement to file a Pre-Election Report prior to the July 16th convention.

The July 5, 1990 filing of the Scott Committee's 12-Day Pre-Election Report by registered mail was not timely since if the Scott Committee wished to file the report by registered mail or certified mail, the report would have to have been mailed 15 days rather than 12 days before the convention, i.e. by July 1, 1990.

While a violation has occurred this Office notes that there are circumstances which argue for the exercise of prosecutorial discretion by taking no further action in this Matter. The report was filed received only five days late. Further, the report was on the public record before the date of the July 16, 1990 convention.

Therefore, the Office of the General Counsel recommends that the Commission find reason to believe that Scott for Congress and Marc J. Zanghi, as treasurer, violated 2 U.S.C. § 434(a)(2). and take no further action against these respondents.

The evidence in hand indicates that the candidate, Thomas Scott, was not personally involved in the Committee's violation of the Act. Therefore, the Office of the General

(Footnote 3 continued from previous page)
rather than its actual occurrence is sufficient to fit the convention within the definition of election.

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Counsel further recommends that the Commission find no reason to believe that Thomas Scott violated 2 U.S.C. § 434(a)(2) and close the file.

III. RECOMMENDATIONS

1. Find reason to believe Scott for Congress and Marc J. Zanghi, as treasurer, violated 2 U.S.C. § 434(a)(2) and take no further action.
2. Find no reason to believe that Thomas Scott violated 2 U.S.C. § 434(a)(2).
3. Close the file.
4. Approve the appropriate letter

Lawrence M. Noble
General Counsel

12/13/90

Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

August 14, 1990 response by Respondents

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Scott for Congress and Marc J.) MUR 3082
Zanghi, as treasurer; Thomas)
Scott.

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 19, 1990, the Commission Decided by a vote of 5-0 to take the following actions in MUR 3082:

1. Find reason to believe Scott for Congress and Marc J. Zanghi, as treasurer, violated 2 U.S.C. § 434(a)(2) and take no further action.
2. Find no reason to believe that Thomas Scott violated 2 U.S.C. 434(a)(2).
3. Close the file.
4. Approve the appropriate letter, as recommended in the General Counsel's Report dated December 13, 1990.

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

Attest:

12-19-90
Date

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

Received in the Secretariat: Fri., Dec. 14, 1990 3:21 p.m.
Circulated to the Commission: Mon., Dec. 17, 1990 11:00 a.m.
Deadline for vote: Wed., Dec. 19, 1990 11:00 a.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 24, 1990

CLOSED

James Altham, Jr., Esquire
Attorney At Law
60 Allen Drive
Hamden, Connecticut 06517

RE: MUR 3082
Scott for Congress and
Marc Zanghi, as treasurer
Thomas Scott

Dear James Altham, Jr.:

On December 19, 1990, the Federal Election Commission found reason to believe that your clients, Scott for Congress ("the Committee") and Marc Zanghi, as treasurer, violated 2 U.S.C. § 434(a)(2), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The First General Counsel's Report, which formed a basis for the Commission's finding, is attached for your information. On the same day the Commission further found no reason to believe that your client, Thomas Scott, violated 2 U.S.C. § 434(a)(2).

The Commission reminds you that the Committee's failure to file a 12-day pre-election report before Connecticut's Republican nomination convention appears to be a violation of 2 U.S.C. § 434(a)(2). Your clients should take immediate steps to insure that this activity does not occur in the future.

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James Altham, Jr., Esquire
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The file will be made part of the public record within 30 days Should you wish to submit any materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

If you have any questions, please direct them to Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

W. Ann Elliott
WAE

Chairman

Enclosure
First General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3082

DATE FILMED 1/16/91 CAMERA NO. 2

CAMERAMAN AS

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 3082.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

January 14, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard M. Bates, Executive Director
Democratic Congressional Campaign Committee
430 South Capital Street
Washington, D.C. 20003

RE: MUR 3082

Dear Mr. Bates:

This is in reference to the complaint you filed with the Federal Election Commission on July 10, 1990 concerning possible violations of the the Federal Election Campaign Act of 1971, as amended ("the Act"), by Scott for Congress ("the Committee") and Marc Zanghi, as treasurer.

Based on that complaint, on December 19, 1990, the Commission found no reason to believe that Thomas Scott violated 2 U.S.C. § 434(a)(2), a provision of the Act. On the same day, the Commission found that there was reason to believe that the Committee and Marc Zanghi, as treasurer, violated 2 U.S.C. § 434(a)(2). However, after considering the circumstances of this matter, the Commission determined to take no further action against the Committee and Marc Zanghi, as treasurer, and closed the file in this matter on December 19, 1990.

This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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Richard M. Bates, Executive Director
page 2

If you have any questions, please contact Michael Marinelli,
the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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