



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 3189

DATE FILMED 8/13/91 CAMERA NO. 4

CAMERAMAN AS

91040853224

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: June 29, 1990

ANALYST: Lisa Stolaruk

I. COMMITTEE: Agenda for the 90's
(C00235069)
Douglas Shorenstein, Treasurer
1 California Street
San Francisco, CA 94111

II. RELEVANT STATUTE: A. 2 U.S.C. §441a(a)(1)(A)
B. 11 CFR §102.5(a)

III. BACKGROUND:

A. Apparent Excessive Contributions Made to Federal Candidate Committees - 2 U.S.C. §441a(a)(1)(A)

Agenda for the 90's ("the Agenda") made six (6) apparent excessive contributions, totalling \$23,000 to five (5) federal candidate committees during the period covering January 1, 1989 through December 31, 1989.

On August 3, 1989 the Agenda filed its 1989 Mid-Year Report. This report disclosed one (1) contribution made on March 31, 1989, four (4) contributions made on June 5, 1989, and one (1) contribution made June 7, 1989 to federal candidate committees. The contributions varied in amount from \$1,000 to \$5,000 and were designated for the primary election (Attachment 2).

A Request for Additional Information ("RFAI") was sent to the Agenda on November 8, 1989. The RFAI notified the Agenda that a non-multicandidate committee may not make contributions to a federal candidate in excess of \$1,000 per election. If the contributions were excessive, the RFAI recommended the Agenda request a refund and/or redesignate the excessive amount (Attachment 3).

On November 27, 1989 the Reports Analysis Division ("RAD") analyst received a letter from Douglas Shorenstein,

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the Agenda's treasurer, indicating that four (4) of the contributions had been returned and one of the refunds was forthcoming (Attachment 4). One of the apparent excessive contributions, to Condit for Congress, had already been refunded within the sixty day period.

A Second Notice was sent to the Agenda on November 30, 1989 requesting the date each refund was received and a photocopy of the refund requests sent to the committees (Attachment 5).

On December 5, 1989 the RAD analyst spoke with the Agenda's representative, Cindy Testa. Ms. Testa said the Agenda was qualified, but the analyst explained that the Agenda had not met the requirements to attain multicandidate status prior to making the apparent excessive contributions (Attachment 6).

Teresa Craigie, a representative of the Agenda's law firm, telephoned the RAD analyst on December 15, 1989 in regard to the Second Notice. The analyst advised Ms. Craigie that the November 27, 1989 response was incomplete because the dates of reimbursement and photocopies of the refund requests had not been provided. Ms. Craigie said she would respond as soon as possible (Attachment 7).

On December 15, 1989 the analyst received photocopies of the refund checks and deposit slips from the Agenda (Attachment 8).

The 1989 Year End Report, received January 31, 1990, indicated that the Agenda had qualified as a multicandidate committee on November 30, 1989. The report also disclosed one apparent excessive contribution made to Citizens for Biden totalling \$5,000, made prior to the Agenda's qualification date. Schedule A of the report also disclosed refunds for most of the apparent excessive contributions; however, \$1000 of the apparent excessive contribution to Baucus for Senate has not been refunded (Attachment 11).

B. Contributions From Unregistered Organizations - 11 CFR \$102.5(a)

The Agenda received two contributions from unregistered organizations totalling \$10,000 during the period covering January 1, 1989 through June 30, 1989.

The Agenda's 1989 Mid-Year Report disclosed a \$5,000 contribution from an apparent labor organization on January 11, 1989, and a \$5,000 contribution from an unregistered organization on May 19, 1989 (Attachment 2).

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An RFAI was sent to the Agenda on January 10, 1990 questioning the contributions. The letter notified the Agenda that contributions from labor organizations are impermissible under the Act, and requested clarification regarding the source of the funds comprising the contribution from the unregistered organization. If the contributions were not permissible, the Agenda was advised to refund or transfer-out the funds (Attachment 9).

The Agenda responded on January 26, 1990 by stating that the contribution from an apparent labor union was not made by a labor union and the contribution from the unregistered organization was deposited to its Federal Account in error. The Agenda transferred the \$10,000 to its State Account on January 23, 1990 (Attachment 10).

On February 1, 1990 the Agenda was sent a Second Notice asking for clarification of the contribution from an apparent labor organization (Attachment 12).

William Heine, the Agenda's attorney, telephoned the analyst on February 15, 1990 to ask for an extension of time to answer the Second Notice. The analyst explained that such an extension could not be granted (Attachment 13). On February 16, 1990, the Commission received a written request for an extension from Mr. Heine (Attachment 14).

On February 26, 1990 the RAD analyst received a letter from Mr. Heine explaining the nature of the contribution from an apparent labor union. Mr. Heine explained that the contribution had been made by an individual and the funds involved were left over after the dissolution of an ad hoc political committee administered by that individual. Although the Agenda believed the contribution was permissible, the response did note that some of the monies in the contribution might have come from local unions, and thus the contribution was transferred out of the Agenda's Federal Account (Attachment 15).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
1989-1990

DATE 15JUN90

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
AGENDA FOR THE 90'S				ID #C00233069 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: NONE						
	1989 STATEMENT OF ORGANIZATION			6JAN89	2	89FEC/576/3365
	REQUEST FOR ADDITIONAL INFORMATION			1FEB89	1	89FEC/582/1366
	STATEMENT OF ORGANIZATION - AMENDMENT			8FEB89	3	89FEC/584/5309
	STATEMENT OF ORGANIZATION - AMENDMENT			2MAR89	4	89FEC/586/3618
	REQUEST FOR ADDITIONAL INFORMATION 2ND			23FEB89	2	89FEC/586/1124
	MID-YEAR REPORT	25,500	25,000	1JAN89 -30JUN89	7	89FEC/605/5413
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN89 -30JUN89	2	89FEC/616/1404
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN89 -30JUN89	10	89FEC/617/0311
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN89 -30JUN89	2	90FEC/622/1982
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN89 -30JUN89	1	90FEC/628/4455
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN89 -30JUN89	4	90FEC/629/4621
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN89 -30JUN89	17	90FEC/632/4743
	MID-YEAR REPORT - AMENDMENT	25,500	25,000	1JAN89 -30JUN89	3	90FEC/637/4547
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN89 -30JUN89	1	90FEC/638/2508
	MID-YEAR REPORT - AMENDMENT	25,500	25,000	1JAN89 -30JUN89	3	90FEC/638/2900
	REQUEST FOR ADDITIONAL INFORMATION			1JAN89 -30JUN89	3	89FEC/614/3071
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN89 -30JUN89	2	89FEC/616/2228
	REQUEST FOR ADDITIONAL INFORMATION			1JAN89 -30JUN89	5	90FEC/619/0577
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN89 -30JUN89	1	90FEC/625/3122
	REQUEST FOR ADDITIONAL INFORMATION			1JAN89 -30JUN89	2	90FEC/631/3982
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN89 -30JUN89	6	90FEC/636/0327
	YEAR-END	62,621	62,758	1JUL89 -31DEC89	14	90FEC/627/0962
	YEAR-END - AMENDMENT	-	-	1JUL89 -31DEC89	1	90FEC/633/0460
	YEAR-END - AMENDMENT	62,621	62,758	1JUL89 -31DEC89	5	90FEC/637/4542
	YEAR-END - AMENDMENT	-	-	1JUL89 -31DEC89	6	90FEC/638/1845
	YEAR-END - AMENDMENT	62,621	62,758	1JUL89 -31DEC89	7	90FEC/638/2893
	REQUEST FOR ADDITIONAL INFORMATION			1JUL89 -31DEC89	3	90FEC/631/3985
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL89 -31DEC89	6	90FEC/636/0333
1990	REQUEST FOR ADDITIONAL INFORMATION			9MAY90	1	90FEC/639/1631
	STATEMENT OF ORGANIZATION - AMENDMENT			29MAY90	1	90FEC/641/3793
	STATEMENT OF ORGANIZATION - AMENDMENT			7JUN90	3	90FEC/642/1527
	REQUEST FOR ADDITIONAL INFORMATION 2ND			31MAY90	2	90FEC/641/4708
	APRIL QUARTERLY	79,650	74,836	1JAN90 -31MAR90	22	90FEC/637/4520
	TOTAL	167,771	0 162,594	0	152	TOTAL PAGES

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All reports listed above have been reviewed.

Ending cash-on-hand as of 3/31/90: \$5,177

Debts and obligations owed by the committee as of 3/31/90: \$23,364

Debts and obligations owed to the committee as of 3/31/90: \$0

FEDERAL ELECTION COMMISSION
FORM 3004

FORMS-3 REV. 16

NAME FOR THE REPORT One California Street San Francisco, CA 94111	THE STATE OR TERRITORY CALIFORNIA THIS COMMITTEE QUALIFIED AS A VOLUNTARY COMMITTEE UNDER THE Reporting Period
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- April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (for candidates only)
- Termination Report
- Monthly Report Due On:
 February 28 June 30 October 30
 March 31 July 31 November 30
 April 30 August 31 December 31
 May 31 September 30 January 31
- Twelve day report preceding _____ (Type of Election)
 election on _____ in the State of _____
- Twelve day report following the General Election on _____
 in the State of _____
- (a) Is this Report an Amendment? YES NO

910401836055413

SUMMARY		
1. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
2. (a) Cash on Hand January 1, 1989		\$ -0-
(b) Cash on Hand at Beginning of Reporting Period	\$ -0-	
(c) Total Receipts from Line 10	\$ 25,500.00	\$ 25,500.00
(d) Subtotal (add Lines 2(a) and 2(b) for Column A and Lines 2(a) and 2(b) for Column B)	\$ 25,500.00	\$ 25,500.00
7. Total Disbursements (from Line 20)	\$ 25,000.00	\$ 25,000.00
6. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 500.00	\$ 500.00
9. Debts and Obligations Owed TO the Committee (Remove all on Schedule C and/or Schedule D)	\$ -0-	For further information contact: Federal Election Commission 900 E Street, NW Washington, DC 20463 Toll Free 800-424-6530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Remove all on Schedule C and/or Schedule D)	\$ -0-	

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

Type or Print Name of Treasurer: **Douglas M. Shorestein**

Signature of Treasurer: 

Date: July 28, 1989

FORM 1042-A

(2 of 5)

033230
871040336055413

A. Recipient Name, Address and ZIP Code	Name of Employer	Date Recd. (M, Yr)	Amount of Cash Received (M, Yr)
United Auto Workers, Section 8 Union Pension (retiree) Atlanta, GA 30301	UA	1/19/88	5,000.00
John F. Stech 700 Federal Road Woodside, CA 94095	7000	6/15/88	1,000.00
Recipient For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) NA			
C. Full Name, Mailing Address and ZIP Code George H. Brown 2020 Hanover Street Palo Alto, CA 94304	Name of Employer Brown & Wittichap Company Address	Date Recd. (M, Yr) 6/19/88	Amount of Cash Received (M, Yr) 1,000.00
Recipient For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) NA			
D. Full Name, Mailing Address and ZIP Code Edward S. Bergreen 1000 Fifth Avenue New York, New York 10128	Name of Employer Bergreen & Bergreen Company Address	Date Recd. (M, Yr) 6/15/88	Amount of Cash Received (M, Yr) 5,000.00
Recipient For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) NA			
E. Full Name, Mailing Address and ZIP Code	Name of Employer Company Address	Date Recd. (M, Yr)	Amount of Cash Received (M, Yr)
Recipient For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)			
F. Full Name, Mailing Address and ZIP Code	Name of Employer Company Address	Date Recd. (M, Yr)	Amount of Cash Received (M, Yr)
Recipient For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)			
G. Full Name, Mailing Address and ZIP Code	Name of Employer Company Address	Date Recd. (M, Yr)	Amount of Cash Received (M, Yr)
Recipient For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)			
TOTAL of Receipts This Page (optional)			12,000.00
TOTAL This Form (not page due and exempt only)			12,000.00

SCHEDULE A

FINANCED CAMPAIGN

THIS INFORMATION IS TO BE REPORTED TO THE COMMISSION ON GOVERNMENT ETHICS BY THE CANDIDATE OR CANDIDATE'S CAMPAIGN

Any information reported from such figures and amounts shall be based on the best information available to the reporting person at the time of filing this report. It is not necessary to include copies of the documents or records from which the information was obtained.

NAME OF CONTRIBUTOR OR FUND

AMOUNT FOR THE YEAR

4

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87036055416

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date Received (mth., year)	Amount of Cash Received this Period
California Applicants' Advocacy Group Political Action Committee I.B.#00010 200 N. Laurel Drive Salinas, CA 93905 Reason For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): N/A	N/A Occupation: N/A Aggregate Year-to-Date > \$ 1,000.00	6/19/89	5,000.00
California Trial Lawyer Federal Political I.B.#000078382 1600 - 12th Street, 4th Floor Annex Sacramento, CA 95814 Reason For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): N/A	N/A Occupation: N/A Aggregate Year-to-Date > \$ 1,000.00	6/23/89	5,000.00
Lehman for Congress Committee P. O. Box 829 Fresno, CA 93712 Reason For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): N/A	N/A Occupation: N/A Aggregate Year-to-Date > \$ 1,000.00	6/31/89	3,000.00
B. Full Name, Mailing Address and ZIP Code Reason For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date Received (mth., year)	Amount of Cash Received this Period
C. Full Name, Mailing Address and ZIP Code Reason For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date Received (mth., year)	Amount of Cash Received this Period
D. Full Name, Mailing Address and ZIP Code Reason For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date Received (mth., year)	Amount of Cash Received this Period
E. Full Name, Mailing Address and ZIP Code Reason For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation Aggregate Year-to-Date > \$	Date Received (mth., year)	Amount of Cash Received this Period

GRAND TOTAL of Receipts This Page (optional)	13,000.00
TOTAL This Period (do not add this into receipt entry)	13,000.00

SCHEDULE B

INDIVIDUAL CONTRIBUTIONS

Information furnished by each contributor of the required Summary Page

FORM 1 2
FOR LINE NUMBER 11

Any information shown here may be used for purposes other than those for which it was furnished by the donor. It is the responsibility of the recipient to obtain the necessary consent of the donor for such use.

NAME OF CONTRIBUTOR (See Form)

MEMBER FOR THE 90'S

(4 of 5)

BE

0534306
3104306

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Stand for U.S. Senator I.D. #C00166807 2363 So. Nash Street Arlington, VA 22202	U.S. Senate - State of Illinois Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2/21/89	5,000.00
Haffin for U.S. Senate I.D. #C00088861 P. O. Box 1990 Tusculuma, Alabama 36674	U.S. Senate - State of Alabama Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/5/89	2,000.00
Bid... for U.S. Senate I.D. #C00143701 P. O. Box 371 Wilmington, Delaware 19899	U.S. Senate - State of Delaware Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/5/89	5,000.00
Caucus for U.S. Senate I.D. #C00209668 313 3rd Street, N.E. Washington, D.C. 20002	U.S. Senate - State of Montana Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/5/89	3,000.00
Rockefeller for U.S. Senate I.D. #C00224972 313 3rd Street, N.E. Washington, D.C. 20002	U.S. Senate - State of West Virginia Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/5/89	5,000.00
Johnston for U.S. Senate I.D. #C00077537 P. O. Box 2884 Washington, D.C. 20013	U.S. Senate - State of Louisiana Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/7/89	1,000.00
Levin for U.S. Senate I.D. #C00088484 426 C Street N.E. (Lower Level) Washington, D.C. 20002	U.S. Senate - State of Michigan Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/7/89	1,000.00
Harkin for U.S. Senate I.D. #C00166827 328 South Clinton Iowa City, Iowa 52240	U.S. Senate - State of Iowa Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/7/89	1,000.00
Gore for U.S. Senate I.D. #C00165753 1717 K Street, N.W., Suite 202 Washington, D.C. 20006	U.S. Senate - State of Tennessee Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/7/89	1,000.00

SUBTOTAL of Disbursements This Page (optional)	24,000.00
TOTAL (See Part III of page 11 for instructions)	

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use spaces indicated for each category of the Detailed Summary Page	PAGE	OF
	2	2
FOR LINE NUMBER		
21		

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

NAME OF COMMITTEE (in Full)

AGENDA FOR THE 90's

EX

21040353233
81036055113

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Heflin for U.S. Senate I.D. #C00085951 P. O. Box 1990 Tuscumbia, Alabama 35674	U.S. Senate - State of Alabama Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/7/89	1,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	1,000.00
TOTAL This Period (last year this line number only)	25,000.00

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

Styglas Shorenstein, Treasurer
Agenda for the 90's
1 California Street
San Francisco, CA 94111

Identification Number: C00235069

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

Dear Mr. Shorenstein:

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

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

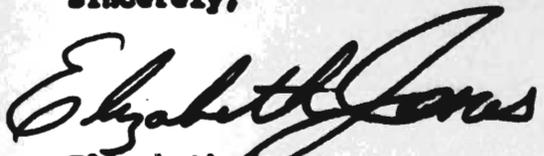
If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If you have made an excessive contribution, you should either notify the recipient and request a refund of the amount in excess of \$1,000 and/or notify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

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

3 2 0 3 6 1 4 3 0 7 1

If an individual in your original
problem(s) should be able to
assist within fifteen (15) days of the
need assistance, please call the
number, (800) 826-9229. By local

Sincerely,



Elizabeth Jones
Reports Analyst
Reports Analysis Division

91040353235
3:236143072



**Democratic
Agenda
for the 90's**

Attachment 4

RECEIVED
FEDERAL ELECTIONS COMMISSION
FILE ROOM

NOV 27 1989

WALTER H. SHORENSTEIN
Chairman of the Board

November 18, 1989

MELZ LEE
President

Ms. Elizabeth Jones
Reports Analyst
Federal Elections Commission
Washington, D.C. 20463

Dear Ms. Jones:

This is written in response to your letter which we received on November 8, 1989 (it was not dated).

As indicated in Schedule B of our report in question, the following amounts have been returned to our committee:

Simon for U.S. Senator	\$ 5,000
Heflin for U.S. Senate	2,000
Biden for U.S. Senate	5,000
Rockefeller for U.S. Sen.	5,000

The monies from Baucus for U.S. Senate are forthcoming.

We are taking the necessary action to rectify our status to a multicandidate committee. This process will be completed by no later than November 22, 1989.

If you have further questions, please contact me at (415) 772-7036.

Sincerely,

Douglas W. Shoreinstein

2194986132936



FEDERAL
WASHINGTON

November 30, 1989

Douglas Shorenstein, Treasurer
Agenda for the 90's
1 California Street
San Francisco, CA 94111

Identification Number: C00235000

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

Dear Mr. Shorenstein:

On November 8, 1989 you were notified that a review of the above-referenced report(s) raised questions as to specific contributions and/or expenditures, and the reporting of certain information required by the Federal Election Campaign Act.

Your November 18, 1989 response is incomplete because you have not provided all the requested information. For this response to be considered adequate, the following information is still required.

-Your response states that you have received refunds from four of the referenced committees "...as indicated in Schedule B of our report in question...". Your response further states that "the monies from Caucus for U.S. Senate are forthcoming". According to Commission records, Schedule B of your report contains no information regarding refunds received from these committees. Please provide the date that each refund was received, as well as a photocopy of any refund requests that were sent to these committees.

All refunds and redesignations must be made within sixty days of the treasurer's receipt of the contribution. Refunds are reported on Line 16 of the Detailed Summary Page and on Schedule A of the report covering the period during which they are received. Redesignations are reported as memo entries on Schedule B of the report covering the period during which the redesignation is made. (11 CFR §110.1(b))

Although the Commission may take further legal steps concerning the excessive contribution(s), your prompt

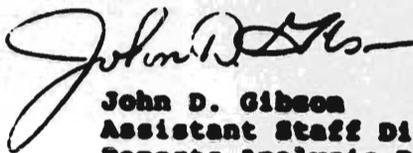
7
1
0
4
0
0
5
6
2
2
3
7

... a refund and/or refunding the
... will be taken into consideration.

If this application is not received by the Commission within
fifteen (15) days from the date of this notice, the Commission may
choose to initiate suit or legal enforcement action.

If you should have any questions related to this matter,
please contact Elizabeth Jones on our toll-free number (800)
424-9530 or our local number (202) 523-4040.

Sincerely,



John D. Gibson
Assistant Staff Director
Reports Analysis Division

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7

TELECON

ANALYST: ELIZABETH JONES

CONVERSATION WITH: MS. CINDY TESTA

COMMITTEE: AGENDA FOR THE 90'S

DATE: 12/5/89

SUBJECT(S): EXCESSIVE CONTRIBUTIONS

Ms. Testa said that the Committee was qualified as a multicandidate committee. I told her that our records indicated that the committee had only 3 contributors and 5 candidate contributions and had not been registered 6 months at the time. She said the committee had received the refunds for the excessive contributions and had since received 60 contributions from individuals. The committee's attorney said it was okay to reissue the checks for the excessive amounts. I told her that she might receive another letter about the Year End Report.

91040853

TYPE A902EJ.:1

TELECON

ANALYST: ELIZABETH JONES

CONVERSATION WITH: TERESA CRAIGIE

COMMITTEE: AGENDA FOR THE 90'S

DATE: DECEMBER 15, 1990

SUBJECT: EXCESSIVE CONTRIBUTIONS TO CANDIDATES

Ms Craigie called to ask why the 2d Notice was sent. I explained that the letter they submitted didn't give the dates of the refunds or provide photocopies of the refund requests. She said that her firm had just started handling the Agenda's business, and she was unfamiliar with everything that had occurred. She said that she would send the information ASAP.

910403853240

FEDERAL ELECTION COMMISSION
REPORTS ANALYSIS DIVISION

PAULSBURY, HANSON & SUTRO

DEC 15 PM 4:25

OFFICE OFFICES
SAN FRANCISCO, CALIFORNIA
SAN JOSE, CALIFORNIA
SAN DIEGO, CALIFORNIA
SAN ANTONIO, TEXAS
SAN CARLOS, CALIFORNIA
NEW YORK, NEW YORK
WASHINGTON, D.C.
MILWAUKEE, WISCONSIN
MINNEAPOLIS, MINNESOTA
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SAN CARLOS, CALIFORNIA
NEW YORK, NEW YORK
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MILWAUKEE, WISCONSIN
MINNEAPOLIS, MINNESOTA
CHICAGO, ILLINOIS
DENVER, COLORADO
PORTLAND, OREGON
SEATTLE, WASHINGTON

1007 E STREET, N.W.
WASHINGTON, D.C. 20008
TELEPHONE (202) 697-0000
TELECOPIER (202) 698-7000

Attachment 8 (1 of 8)

December 15, 1989

Agenda for the 90's
Identification Number CO0235069

HAND DELIVERED

Ms. Elizabeth Jones
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Ms. Jones:

This firm represents Agenda for the 90's (CO0235069) (the "Committee"). As you discussed with Teresa Craigie today, this is in response to your letter dated November 30, 1989 (copy enclosed).

The Committee has received reimbursements for all the contributions in question, as follows:

	<u>Reimbursement Date</u>	<u>Reimbursement Amount</u>
Condit for Congress Committee	09/08/89	\$ 5,000
Citizens for Biden - 1990	10/31/89	\$10,000
Friends of Howell Heflin	10/27/89	\$ 3,000
Simon for Senate, Inc.	11/06/89	\$ 5,000
Friends of Sen. Rockefeller	11/01/89	\$ 5,000
Friends of Max Baucus	10/31/89	\$ 3,000

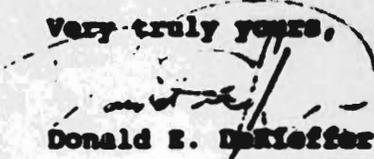
Enclosed herewith are copies of the checks, along with the deposit slips for each.

91043018750532141

Division
1967

The Committee will disclose these arrangements on
the report which will be filed as late as Janu-
ary 31, 1968. If you have any further questions regarding
this matter, please do not hesitate to contact Teresa Craigie
at (415) 963-1568.

Very truly yours,



Donald E. DeKieffer

cc: Mr. Douglas Shorenstein,
Treasurer

Ms. T. A. Craigie

100-361703-42

12/15/89 10:25 AM

(3 of 8)

001139

Refund of contribution check #1014

7000.00

Agenda for the 90's is a Federal PAC - limit of \$1000
Refund is per Teresa Craigie

CONDIT FOR CONGRESS COMMITTEE
300 CAPITOL MALL, SUITE 300
SACRAMENTO, CALIFORNIA 95814

CAPITOL BANK OF COMMERCE
300 Capitol Mall
Sacramento CA 95814
90-3032
1211

001139

1073

Check No

September 8, 1989

***\$5,000.00

DATE

AMOUNT

FIVE THOUSAND DOLLARS & 00/100

PAY
TO THE
ORDER

Agenda for the 90's - Federal Account
One California Street Ste 2900
San Francisco, CA 94111

[Signature]

⑆001139⑆ ⑆121136329⑆ 01662422⑆01

DEPOSIT TICKET
Agenda for the 90's

DATE	10/12/89	AMOUNT	5000.00
CONTRIBUTOR	CONDIT FOR CONGRESS COMMITTEE		
COM	90-3032		
ACCOUNT	90-3032	5000.00	
Bank of America 300 Francisco Main Office 0033 PO Box 3700 San Francisco CA 94137		TELLER AGENDA FOR THE 90'S FEDERAL ACCOUNT TOTAL DEPOSIT 5000.00	

DUPLICATE
BANK OF AMERICA

ENTERED
BOOK

⑆121000358⑆ 00335⑆19777⑆



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20461

HQ-2

Douglas Shorenstein, Treasurer
 Agenda for the 90's
 1 California Street
 San Francisco, CA 94111

JAN 10 1990

Identification Number: C00235069

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

Dear Mr. Shorenstein:

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:

-Your report discloses an apparent contribution(s) from a labor organization (pertinent portion(s) attached). You are advised that contributions from labor organizations are prohibited by the Act, unless made from a separate segregated fund established by the labor organization. (2 U.S.C. §441b(a)) If you have received a labor organization contribution(s), the Commission recommends that you refund the full amount to the donor(s) in accordance with 11 CFR §103.3(b). Alternatively, if you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. You may wish to seek a written authorization (either before or after the transfer-out) from the donor for any transfer-out to protect the donor's interests.

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In the best interests of the committee, all refunds and transfers-out should be made within thirty (30) days of the treasurer's receipt of the contributions. See 11 CFR §103.3(b). Refunds and transfers-out should be disclosed on supporting Schedule B for Line 26 or 20 of the report covering the period during which they are made.

0005100177

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

Although the Commission may take further legal steps concerning the acceptance of a prohibited contribution, prompt action by your committee to refund or transfer-out the amount will be taken into consideration.

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

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

Please clarify whether the contribution(s) received from the referenced organization(s) is permissible. To the extent that your committee has received funds which are not permissible, the Commission recommends that you refund the impermissible amount(s) to the donor(s) in accordance with 11 CFR §103.3(b). Alternatively, if you choose to transfer the funds to an account not used to influence federal elections, the Commission advises that you inform the contributor in writing and provide the contributor with the option of receiving a refund. You may wish to seek a written authorization (either before or after the transfer-out) from the donor for any transfer-out to protect the donor's interests.

Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. Should you choose to refund or transfer-out the funds, the Commission will presume the funds were impermissible, absent a statement from your committee to the contrary. Refunds and transfers-out

91034933750

should be disclosed on a supporting Schedule B for Line 26 or 20 of the report covering the period during which they are made.

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

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

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

Sincerely,

Elizabeth Jones

Elizabeth Jones
Reports Analyst
Reports Analysis Division

2 0 3 3 5 1 9 7 3 7 7

HAND DELIVERED

*Democratic
Agenda
for the 90's*

90 JAN 26 PM 3:



January 25, 1990

Federal Elections Commission
399 L Street, N.W.
Washington, D.C. 20463

Attn: Ms. Elizabeth Jones

Dear Sirs:

Re: Mid-Year 1989 report, ID# C00235069

We have received your letter of January 10, 1990 and have reviewed the transactions about which you asked.

The \$5,000 shown as received from the United Auto Workers, Region 6 was misdescribed. This contribution was not made by the UAW.

The \$5,000 received from the California Applicant's Attorneys Association PAC was deposited to the Agenda for the 90's Federal Account in error. This should have been deposited to the Committee's California State Account.

Enclosed is a copy of a check for \$10,000, by which these monies are transferred out to the California State Account, as you requested. This payment will be reported on Schedule C of the report that covers this current period.

Please contact me if you need any further information.

Yours truly,

Douglas Shofenstern
Treasurer

91040353252

DATE 1-23-90

REG. NO. _____

AGENDA FOR THE 90'S

FEDERAL ACCOUNT #00334-1978

Agenda for the 90's
State Account #00334-1978

To correct for \$10,000 of
State commission deposits
to Federal Accounts in error
— see FCC letter of 1/10/90
attached

91040853253

AGENDA FOR THE 90'S

1024

Bank of America

FLEXIBLE ACCOUNT

[Handwritten signature]

REPORT OF RECEIPTS AND DISBURSEMENTS

Attachment 11 (1 of 3)

For Other Than An Authorized Committee
(Summary Page)

90FEB-5 AM11:55

USE FEC MARKING LABEL ON TYPE OR PRINT

1. NAME OF COMMITTEE (in full) AGENDA FOR THE 90's		3. FEC IDENTIFICATION NUMBER 00235069
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported One California Street, #2900		
CITY, STATE and ZIP CODE San Francisco, CA 94111		

3. The committee qualified as a multicandidate committee DURING THIS Reporting Period on **11/30/89** (date)

4. TYPE OF REPORT

- (a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Non-election Year Only)
 Termination Report
- Monthly Report Due On:
 February 20 June 20 October 20
 March 20 July 20 November 20
 April 20 August 20 December 20
 May 20 September 20 January 31
- Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- Thirtieth day report following the General Election on _____ in the State of _____
- (b) Is this Report an Amendment? YES NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>July 1, 1989</u> through <u>December 31, 1989</u>		
6. (a) Cash on Hand January 1, 19 <u>89</u>		\$ 0.00
(b) Cash on Hand at Beginning of Reporting Period	\$ 500.00	
(c) Total Receipts (from Line 10)	\$ 62,621.00	\$ 88,121.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 63,121.00	\$ 88,121.00
7. Total Disbursements (from Line 20)	\$ 62,758.00	\$ 87,758.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 363.00	\$ 363.00
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 0.00	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-378-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 0.00	

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

Type or Print Name of Treasurer

Douglas W. Shorestein

Signature of Treasurer

Date

January 24, 1990

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 5437g

FEC FORM 3X

revised 4-89

9103627095?

SCHEDULE A

ITEMIZED RECEIPTS

Use separate schedule for each category of the Detailed Summary Page

Page 1
 FILING NUMBER
 16

Amounts reported from such Reports and Statements may not be valid or used by any person for the purpose of reporting contributions or for purposes other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)
AGENDA FOR THE 90's

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Condit for Congress Committee 300 Capitol Mall, Suite 350 Sacramento, CA 95814 I.D. #131121	N/A	10/12/89	5,000.00
Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): N/A	Occupation N/A	Aggregate Year-to-Date > \$ N/A	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Friends of Howell Heflin Committee P. O. Box 1990 Tusculum, AL 35674 I.D. #C00085951	N/A	11/1/89	3,000.00
Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): N/A	Occupation N/A	Aggregate Year-to-Date > \$ N/A	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Citizens for Biden P. O. Box 371 Wilmington, DE 19899 I.D. #C00143701	N/A	11/7/89	10,000.00
Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): N/A	Occupation N/A	Aggregate Year-to-Date > \$ N/A	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Simon for Senate, Inc. 2353 S. Nash Street Arlington, VA 22202 I.D. #C00168807	N/A	11/10/89	5,000.00
Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): N/A	Occupation N/A	Aggregate Year-to-Date > \$ N/A	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Friends of Senator Rockefeller 313 3rd Street N.E. Washington, D.C. 20002 I.D. #C00224972	N/A	11/13/89	5,000.00
Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): N/A	Occupation N/A	Aggregate Year-to-Date > \$ N/A	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Friends of Max Baucus P. O. Box 586 Helena, Montana 59624 I.D. #C000209668	N/A	11/27/89	3,000.00
Receipt For <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): N/A	Occupation N/A	Aggregate Year-to-Date > \$ N/A	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
	Aggregate Year-to-Date	> \$	

SUBTOTAL
 TOTAL \$1,000.00

357075

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedules for each category of the Detailed Summary Part

PAGE 1 OF 2
LINE NUMBER 21

Any information contained on 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 (in Full)

AGENDA FOR THE 90's

EJ

210,403,53256

A Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Citizens for Biden P. O. Box 371 Wilmington, DE 19899 I.D. #C00143701	U.S. Senate - State of Delaware Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	7/5/89	4,000.00
Condit for Congress 324 A McHenry Modesto, CA 95350 I.D. #131121	U.S. Congress - State of California - 15th District Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	8/30/89	5,000.00
Condit for Congress Committee 324 A McHenry Modesto, CA 95350 I.D. #131121	U.S. Congress - State of California - 15th District Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	11/16/89	5,000.00
Friends of Howell Heflin P. O. Box 1990 Tusculum, AL 35674 I.D. #C00085951	U.S. Senate - State of Alabama Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	11/16/89	3,000.00
Citizens for Biden P. O. 371 Wilmington, DE 19899 I.D. #C00143701	U.S. Senate - State of Delaware Disbursement for <input checked="" type="checkbox"/> Primary <input checked="" type="checkbox"/> General Other (specify):	11/16/89	10,000.00
Simon for Senate, Inc. 2353 S. Nash Street Arlington, VA 22202 I.D. #C00168807	U.S. Senate - State of Illinois Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	11/16/89	5,000.00
Friends of Senator Rockefeller 313 3rd Street N.E. Washington, D.C. 20002 I.D. #C00224972	U.S. Senate - State of West Virginia Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	11/16/89	5,000.00
Friends of Max Baucus P. O. Box 586 Helena, Montana 59624 I.D. #C00029668	U.S. Senate - State of Montana Disbursement for <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	11/27/89	3,000.00
I Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (add page this line number on)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

RQ-3

February 1, 1990

Douglas Shorenstein, Treasurer
Agenda for the 90's
1 California Street
San Francisco, CA 94111

Identification Number: C00233069

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

Dear Mr. Shorenstein:

On January 10, 1990 you were notified that a review of the above-referenced report(s) raised questions as to specific contributions and/or expenditures, and the reporting of certain information required by the Federal Election Campaign Act.

In your response dated 1/25/90 you state that the contribution of \$5,000.00 "shown as received from the United Auto Workers, Region 6 was misdescribed...and was not made by the UAW."

Please clarify from whom the contribution was received. As described in 2 U.S.C. 434(b)(3) and 11 CFR 104.3(a)(4)

If this information is not received by the Commission within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

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

Sincerely,


John D. Gibson
Assistant Staff Director
Reports Analysis Division

2 1 0 4 0 3 5 3 2 5 7

\$ TYPE A903.12

TELECON

ANALYST: ELIZABETH JONES

CONVERSATION WITH: WILLIAM HEINE

COMMITTEE: AGENDA FOR THE 90'S

DATE: 2/15/90

SUBJECT: SECOND NOTICE

Mr. Heine called to ask for an extension for responding to the 2d Notice. I explained that we were not allowed to grant extensions. He said that his firm had just been retained to represent Agenda for the 90's and he repeated his request. I again explained that I couldn't grant an extension. He asked to speak with a supervisor, so I had Tony Raymond explain that an extension couldn't be granted.

91040853258

SCHWARTZ, STEINSAPIR, DONRMANN & SOMMERS
LAWYERS

SUITE 1800
3880 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90010-2804
(213) 487-8700
FAX (213) 487-8848

ROBERT M. SCHWARTZ
487800

ALBERT J. STEINSAPIR
ROBERT M. SCHWARTZ
STUART J. DONRMANN
MICHAEL D. F. SOMMERS
MICHAEL D. F. SOMMERS
MARGO A. REINBERG
WENDY M. GIBSON
DAVID A. GIBSON
JENNIFER M. GIBSON
WILLIAM J. GIBSON
LAUREL GIBSON

February 15, 1990

FEDERAL EXPRESS

Mr. John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: Mid-Year 1989 Report, I.D. 609232062

Dear Mr. Gibson:

Our firm was retained on February 13, 1990 to represent the Democratic Agenda for the 90's and to respond to your letter to Douglas Shorenstein dated February 1, 1990. I spoke to Ms. Jones and Mr. Raymond of your office today and requested additional time to prepare such a response, given that we had just been retained and had not had sufficient time to review the matter. They informed us that the Commission does not formally grant requests for extensions in matters such as these but that the Commission would consider an explanation for delay supplied along with the response.

We write to reiterate our request. The only reason for the request is to ensure that we have sufficient time to supply the Commission with a correct and complete clarification of the erroneous entry appearing on the Agenda's June 30, 1989 report. We are reviewing the matter with due diligence and would expect to have that response to you by early next week, but in no case any later than February 23, 1990.

Sincerely,

D. William Heine
D. William Heine

DWH:dw

cc: Mr. Douglas Shorenstein

HAND DELIVERED

90 FEB 16 PM 3:06

NOT DELIVERED

RECEIVED
FEB 26 1990

SCHWARTZ, STEINSAFIR, DOHRMANN & SOMMERS Attachment 15 (1 of 3)
LAWYERS 90FEB26 AM 10:44

SUITE 1800
3800 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90010-2804
(213) 487-8700
FAX (213) 487-8840

KENNETH M. SCHWARTZ
RETRCO

ALFRENCE D. STEINSAFIR
ROBERT M. DOHRMANN
EDWARD P. SOMMERS
STUART P. FINE
MICHAEL J. FEINBERG
MICHAEL S. FOUR
MARGOT J. FEINBERG
KATHLEEN M. GIBSON
DANIEL J. STEIN
LENN E. MURPHY
DAVID M. WEIN
LAUREL CAZZULANI

February 23, 1990

BY FEDERAL EXPRESS

John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: Mid-Year 1989 Report; I.D. 4092225262

Dear Mr. Gibson:

This letter responds to your letter to Douglas Shorenstein dated February 1, 1990.

As Mr. Shorenstein informed you in his letter dated January 25, 1990, the 1989 mid-year report of the Democratic Agenda For The 90's ("the Agenda") contained a clerical error. The \$5,000 contribution was made not by United Auto Workers Region 6 but, rather, by Mr. Bruce Lee on behalf of the "UAW Alliance Against Concessions" ("the Alliance"). The Alliance was an unofficial, ad hoc fund created in 1983 by Mr. Lee and two other individuals for purposes other than influencing elections for federal office. Mr. Lee made the contribution upon dissolving the Alliance in January, 1989. Although the Agenda believed at the time, and still believes, that the contribution came from a permissible source under the Federal Election Campaign Act ("the Act"), for reasons we explain below it has transferred the money out of its federal account and has notified the contributor.

Since 1983, Bruce Lee has served as Director of Region 6 of the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, AFL-CIO (UAW).¹ In 1983, Mr. Lee, along with two other UAW leaders, Raymond Majerus and Kenneth Worley, formed the "Alliance Against Concessions." The Alliance was not an official UAW organization but, rather, an association of union leaders and other friends of labor formed to assist workers in their battle against economic concessions to employers in collective bargaining. Money was voluntarily

¹ Region 6 is a geographic subdivision of the International Union, UAW, headquartered in Detroit Michigan. Mr. Lee also has served, since 1989, as President of the Agenda, a voluntary position without salary or stipend.

21 J. 4. 0. 3 5 1 2 6 0

John D. Gibson
February 23, 1990
Page 2

contributed to the Alliance from UAW local unions and other contributors throughout the United States. At the time the money was collected it was not specifically intended to be used to make contributions to federal election campaigns.

Donations to the Alliance were deposited in an account at Pioneer Bank, 110 East Wilshire, Fullerton, California. Lee, Majerus and Worley were authorized to draw on that account. In 1983 they did so consistent with the goals of the Alliance and helped finance worker rallies and demonstrations and provide financial assistance to striking workers in the aerospace industry.

By 1984, no further contributions were received and no further expenditures were made by the Alliance account. In 1987 Mr. Majerus died and in 1988 Mr. Worley retired. In January, 1989, Bruce Lee dissolved the Alliance by closing the account, since it had remained inactive for nearly five years. He donated the remaining funds to causes generally consistent with the Alliance's purpose, including the \$5,000 to the Agenda at issue here. Although not part of the Alliance's original plan, Mr. Lee believed election of Democratic candidates to federal office would serve labor's struggle against concessionary employer demands since these demands have clearly been encouraged by the development in the Republican 1980's of a decidedly pro-employer federal labor law.

When the contribution was received, the Agenda's recordkeepers mistakenly recorded it as coming from United Auto Workers Region 6 because Mr. Lee was known as the Director of that organization. However, no part of the contribution whatsoever came from the treasury of UAW Region 6 or any other labor organization. It came exclusively from the account described above. The clerical error made by the Agenda staff was inadvertently overlooked by Treasurer Douglas Shorenstein when he reviewed and submitted the Agenda's 1989 mid-year report.

When Mr. Shorenstein received the Commission's January 10, 1990 letter and discovered the mistake, he immediately and prudently transferred the contribution from the Agenda's federal account to its state account until any doubts about the legality of the contribution could be resolved. Mr. Lee was notified of this transfer and concurred in this decision.

The Agenda does not believe any violation of the Act has occurred here. While some of the money in the Alliance account may have originally been provided by local unions pursuant to

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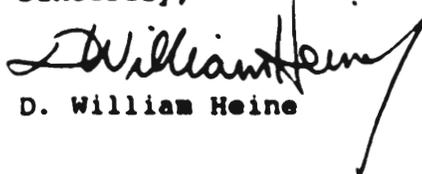
John D. Gibson
February 23, 1990
Page 3

their own bylaws, these payments were not "contributions" or "expenditures" under the Act because they were not made "for the purpose of influencing any election for federal office." 2 U.S.C. § 431(8)(A), (9)(A); 11 C.F.R. §§ 100.7, 100.8. The Alliance, therefore, was not a "political committee." 2 U.S.C. §431 (4); 11 C.F.R. § 100.5. Moreover, the Alliance was not a "labor organization" prohibited from making political contributions under the Act. It never existed "for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work." 2 U.S.C. § 441b(b)(1) (emphasis added); 11 C.F.R. § 114.2(b). The Alliance only existed for the purpose of providing financial support to those workers and their unions who found themselves forced to resist employer concessions. The Alliance itself never intended to, nor ever did, "deal with" employers. Thus, while some labor organizations may have lawfully provided money to the Alliance in 1983, the Alliance contribution to the Agenda in 1989, having come from a fund which existed for other purposes for nearly six years, was not a contribution from a labor organization.²

Both Mr. Shorenstein and Mr. Lee, then, correctly believed that the \$5,000 contribution was lawful. However, in view of the original source of the money and to avoid even the appearance of impropriety, the Agenda and Mr. Lee agree that the money which has been transferred out of the federal account should not be returned.

We apologize for the misunderstanding which the Agenda's clerical error may have caused and hope that this letter will alleviate any concerns the Commission may have. Please contact the undersigned if you have any further inquiries.

Sincerely,


D. William Heine

DWH:dw

cc: Mr. Douglas Shorenstein

Of course, a different analysis might apply were an independent account receiving union funds set up for the purpose of influencing federal elections in circumvention of the Act. This is clearly not the case here.

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90 AUG 23 PM 3:05

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral # 90L-27
Staff Member: Lawrence D. Parrish

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

RESPONDENTS: Agenda For The 90'S and Douglas Shorenstein,
as treasurer

RELEVANT STATUTE: 2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(a)(4)
2 U.S.C. § 441b(a)
2 U.S.C. § 434(b)
11 C.F.R. § 102.5(a) and (b)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was referred to the Office of General Counsel by the Reports Analysis Division ("RAD"). (Attachment 1). The referral concerns possible violations of 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 102.5(a) by the Agenda for the 90's (the "Agenda"), and Douglas Shorenstein, as treasurer. During 1989 the Agenda made six (6) apparent excessive contributions to five (5) federal candidate committees totalling \$21,000.¹ At the

1. We note that the amount listed in RAD's referral is \$23,000, that this Office and RAD have reviewed the excessive contributions figures and concur on the amount in issue as \$21,000. The \$23,000 figure was an addition error. Also, RAD and this Office have concluded that the \$1,000 apparent excessive out of the \$3,000 contribution made on June 5, 1989 to Baucus for Senate, which was reported in RAD's referral as not being refunded, is incorrect. The Baucus for Senate committee refunded the entire \$3,000 contribution on October 31, 1989. (See Attachment 1, page 3)

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time of the making of the excessive contributions, the Agenda had not been registered with the Commission for a period of (6) six months as required to qualify as a multicandidate committee. In addition, the Agenda received contributions from two (2) unregistered organizations totalling \$10,000 during 1989.

II. FACTUAL AND LEGAL ANALYSIS

A. Excessive Contribution to Federal Candidate Committees

Pursuant to 2 U.S.C. § 441a(a)(1), no person shall make contributions² to any candidate and his authorized political committee with respect to any election for Federal office, which in the aggregate, exceed \$1,000.00. Furthermore, under 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section.

Pursuant to 2 U.S.C. § 441a(a)(4) and 11 C.F.R. § 100.5(e)(3), to qualify as a multicandidate committee, a committee must have received contributions from more than (50) fifty persons, have been registered at least six (6) months and have contributed to at least (5) five Federal candidates.

The Agenda first registered with the Commission on January 6, 1989. RAD's review of the Agenda's 1989 Mid-Year Report disclosed six (6) apparent excessive contributions. There was one (1) contribution made on March 31, 1989, four (4) contributions made on June 5, 1989, and one (1) contribution made on June 7, 1989 to federal candidate committees. These

2. 2 U.S.C. § 431(11) defines "person" to include a committee.

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contributions were made to the following committees:

<u>Committee</u>	<u>Amount</u>	<u>Disbursement</u>	<u>Reimbursement</u>
Simon for U.S. Senate	\$5,000	03/31/89	11/06/89
Friends of Howell Heflin	2,000	06/05/89	10/27/89
Biden for U.S. Senate	5,000	06/05/89	10/31/89
Baucus for U.S. Senate	3,000	06/05/89	10/31/89
Rockefeller for U.S. Senate	5,000	06/05/89	11/01/89
Heflin for U.S. Senate	1,000	06/07/89	10/27/89
Total	<u>\$21,000</u>		

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A Request for Additional Information ("RFAI") was sent to the Agenda on November 8, 1989. The RFAI notified the Agenda that a non-multicandidate committee may not make contributions to a federal candidate in excess of \$1,000 per election. If the contribution were excessive, the RFAI recommended that the Agenda request a refund and/or redesignate the excessive amount. On November 27, 1989, the Agenda responded by submitting a letter dated November 18, 1989, which indicated that four (4) of the excessive contributions had been returned and one of the refunds was forthcoming. On November 30, 1989, a second notice was sent to the Agenda requesting the date of each refund received and a photocopy of the refund requests sent to the committees. On December 15, 1989 RAD received photocopies of the refund checks and deposit slips from the Agenda.

On January 31, 1990 RAD received the 1989 Year-End Report which indicated that the Agenda had qualified as a multicandidate committee on November 30, 1989.³ This report also disclosed an additional apparent excessive contribution made to Citizens for Biden totalling \$5,000, made on October 12, 1989 prior to the Agenda's qualification date. Schedule A of the report disclosed refunds for all of the apparent excessive contributions.

Based on the foregoing, it appears that the Agenda and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to five (5) federal candidate committees.⁴

B. Receipts from Unregistered Organizations and Prohibited Funds

Pursuant to 2 U.S.C. § 441b(a) it is unlawful for any labor union, corporation, or national bank to make a contribution or expenditure in connection with any federal election. It is also unlawful for a political committee knowingly to accept such contributions.

Pursuant to 11 C.F.R. § 102.5(a), only funds subject to the prohibitions and limitations of the Act may be deposited into the separate account.

Pursuant to 11 C.F.R. § 102.5(b) any organization that makes contributions or expenditures but does not qualify as a

3. The excessive contributions were made before the Agenda had been registered with the Commission for at least six (6) months.

4. The recipient committees were not referred to this Office.

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political committee under the Act shall either establish a separate account to which only funds subject to the prohibitions and limitations of the Act shall be deposited and from which contributions and expenditures shall be made in connection with federal election activity; or demonstrate through a reasonable accounting method that whenever such organization makes federal contributions and expenditures that sufficient funds subject to the prohibitions and limitations of the Act were acquired and used for such federal activity.

Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a committee shall be responsible for examining all contributions for evidence of illegality and for ascertaining whether contribution received, when aggregated with other contributions from the same contributor, exceed the contribution limitations. When contributions received present genuine questions as to whether they were made by corporations, labor organizations, foreign nationals, or Federal contractors, within ten days of receipt the treasurer can deposit the funds into a campaign depository or return the funds to the contributor. If such contribution is deposited, the treasurer shall make at least one written or oral request for evidence of the legality of the contribution. If the contribution cannot be determined to be legal, the treasurer shall, within thirty days of receipts of the contribution, refund the contribution to the contributor. 11 C.F.R. § 103.3(b)(1). However, if the treasurer determined at the time the contribution was received that it was not illegal, but later discovers its illegality based on new

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evidence not available to the committee at the time of receipt or deposit, the treasurer shall refund the contribution within thirty days of discovering its illegality. 11 C.F.R. § 103.3(b)(2).

RAD's review of the Agenda's reports disclosed the following two receipts, totalling \$10,000, from unregistered organizations:

<u>Organization</u> ⁵	<u>Amount</u>	<u>Received</u>	<u>Transferred</u>
United Auto Workers, Region 6	\$5000	01/11/89	01/23/90
California Applicant's Attorneys Assoc. PAC	\$5000	05/19/89	01/23/90
Total	<u>\$10,000</u>		

On January 10, 1990, RAD sent a RFAI to the Agenda inquiring whether the funds received from the unregistered organizations were from funds or accounts permissible under the Act. The RFAI also advised the Agenda to refund or transfer-out the funds if the contributions were not permissible. On January 26, 1990, the Agenda responded by submitting a letter dated January 25, 1990, which alleged that the contribution from the United Auto Workers, Region 6 was misdescribed and actually not made by the labor union. The letter also alleged that the contribution from the California Applicant's Attorneys Association PAC was intended for the Agenda's State account and was deposited into the Agenda's federal account in error.

5. California law permits corporations and labor unions to make contributions or expenditures for political purposes.

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The Agenda transferred the impermissible funds into its non-federal account on January 23, 1990. On February 1, 1990, a RFAI was sent to the Agenda asking for clarification of the Agenda's response as to the United Auto Workers, Region 6 contribution. On February 26, 1990, William Heine, the Agenda's attorney responded as to United Auto Workers, Region 6, via letter, explaining the source of the contribution. Mr. Heine explained that the contribution was made by an individual and the funds involved were left over after the dissolution of an ad hoc political committee administered by that individual. In addition, Mr. Heine stated that the Agenda believed the contribution was permissible. However, the response also noted that some of the monies in the contribution might have come from local unions, and thus the contribution was transferred out of the Agenda's Federal Account. The Agenda transferred the entire amount of the apparent impermissible funds to its non-federal account more than thirty (30) days after receipt thereof.

Based on the foregoing, it appears that the Agenda and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a) by accepting contributions from unregistered organizations which are not subject to the prohibitions and limitations of the Act, and depositing such contributions into their federal account. The response leaves some uncertainty regarding the true contributor or the source of the funds for the \$5,000 contribution received by the

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Agenda on January 11, 1989.⁶ In addition it appears that the Agenda and Douglas Shorenstein, as treasurer, also violated 2 U.S.C. § 434(b), which requires committees to identify all contributors of contributions in excess of \$200.

III. RECOMMENDATIONS

1. Open a Matter Under Review.
2. Find reason to believe the Agenda For The 90's and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A).
3. Find reason to believe the Agenda For The 90's and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a), and 2 U.S.C. § 434(b).
4. Approve the attached Factual and Legal Analysis, and appropriate letter.

Lawrence M. Noble
General Counsel

8/21/90
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Factual and Legal Analysis

6. This contribution was initially reported as a contribution from the United Auto Workers, Region 6.

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: AUGUST 27, 1990

SUBJECT: RAD REFERRAL #90L-27 -
1st GENERAL COUNSEL'S REPORT DATED
AUGUST 21, 1990

The above-captioned document was circulated to the Commission on Friday, August 24, 1990 at 12:00 p.m.

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

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

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

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

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(orig 3129)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	RAD Referral
Agenda For The 90's and Douglas)	90L-27
Shorenstein, as treasurer)	

CORRECTED CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on September 20, 1990, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to RAD Referral 90L-27:

1. Open a Matter Under Review.
2. Find reason to believe the Agenda For The 90's and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A).
3. Find reason to believe The Agenda For The 90's and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a) and 2 U.S.C. § 434(b).

(continued)

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Federal Election Commission
Certification for RAD Referral 90L-27
September 20, 1990

Page 2

4. Approve the Factual and Legal Analysis, and appropriate letter, as recommended in the General Counsel's report dated August 21, 1990.

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

Attest:

11-2-90
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

September 27, 1990

Douglas Shorenstein, Treasurer
Agenda for the 90's
1 California Street
San Francisco, CA 94111

RE: MUR 3129

Dear Mr. Shorenstein:

On September 20, 1990, the Federal Election Commission found that there is reason to believe the Agenda for the 90's Committee and you, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A), 441b(a) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and 11 C.F.R. § 102.5(a), a provision of the Commission's regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is enclosed 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 declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Douglas Shorenstein, Treasurer
Page 2

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 Lawrence D. Parrish, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Agenda For The 90's and Douglas
Shorenstein, as treasurer

MUR: 3129

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2).

A. Excessive Contribution to Federal Candidate Committees

Pursuant to 2 U.S.C. § 441a(a)(1), no person shall make contributions¹ to any candidate and his authorized political committee with respect to any election for Federal office, which in the aggregate, exceed \$1,000.00. Furthermore, under 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section.

Pursuant to 2 U.S.C. § 441a(a)(4) and 11 C.F.R. § 100.5(e)(3), to qualify as a multicandidate committee, a committee must have received contributions from more than (50) fifty persons, have been registered at least (6) six months and have contributed to at least (5) five Federal candidates.

The Agenda first registered with the Commission on January 6, 1989. A review of the Agenda's 1989 Mid-Year Report disclosed six (6) apparent excessive contributions. There was one (1) contribution made on March 31, 1989, four (4)

1. 2 U.S.C. § 431(11) defines "person" to include a committee.

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contributions made on June 5, 1989, and one (1) contribution made on June 7, 1989 to federal candidate committees. These contributions were made to the following committees:

<u>Committee</u>	<u>Amount</u>	<u>Disbursement</u>	<u>Reimbursement</u>
Simon for U.S. Senate	\$5,000	03/31/89	11/06/89
Friends of Howell Heflin	2,000	06/05/89	10/27/89
Biden for U.S. Senate	5,000	06/05/89	10/31/89
Baucus for U.S. Senate	3,000	06/05/89	10/31/89
Rockefeller for U.S. Senate	5,000	06/05/89	11/01/89
Heflin for U.S. Senate	1,000	06/07/89	10/27/89
Total	<u>\$21,000</u>		

A letter was sent to the Agenda on November 8, 1989. The letter notified the Agenda that a non-multicandidate committee may not make contributions to a federal candidate in excess of \$1,000 per election. If the contribution were excessive, the letter recommended that the Agenda request a refund and/or redesignate the excessive amount. On November 27, 1989, the Agenda responded by submitting a letter dated November 18, 1989, which indicated that four (4) of the excessive contributions had been returned and one of the refunds was forthcoming. On November 30, 1989, a second notice was sent to the Agenda requesting the date of each refund received and a photocopy of the refund requests sent to the committees. On December 15, 1989, the Commission received photocopies of the refund checks

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and deposit slips from the Agenda.

On January 31, 1990, the Commission received the 1989 Year-End Report which indicated that the Agenda had qualified as a multicandidate committee on November 30, 1989.² This report also disclosed an additional apparent excessive contribution made to Citizens for Biden totaling \$5,000, made on October 12, 1989 prior to the Agenda's qualification date. Schedule A of the report disclosed refunds for all of the apparent excessive contributions.

Based on the foregoing, it appears that the Agenda and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to five (5) federal candidate committees.

B. Receipts from Unregistered Organizations and Prohibited Funds

Pursuant to 2 U.S.C. § 441b(a) it is unlawful for any labor union, corporation, or national bank to make a contribution or expenditure in connection with any federal election. It is also unlawful for a political committee knowingly to accept such contributions.

Pursuant to 11 C.F.R. § 102.5(a), only funds subject to the prohibitions and limitations of the Act may be deposited into the separate account.

Pursuant to 11 C.F.R. § 102.5(b) any organization that makes contributions or expenditures but does not qualify as a

2. The excessive contributions were made before the Agenda had been registered with the Commission for at least six (6) months.

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political committee under the Act shall either establish a separate account to which only funds subject to the prohibitions and limitations of the Act shall be deposited and from which contributions and expenditures shall be made in connection with federal election activity; or demonstrate through a reasonable accounting method that whenever such organization makes federal contributions and expenditures that sufficient funds subject to the prohibitions and limitations of the Act were acquired and used for such federal activity.

Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a committee shall be responsible for examining all contributions for evidence of illegality and for ascertaining whether contribution received, when aggregated with other contributions from the same contributor, exceed the contribution limitations. When contributions received present genuine questions as to whether they were made by corporations, labor organizations, foreign nationals, or Federal contractors, within ten days of receipt the treasurer can deposit the funds into a campaign depository or return the funds to the contributor. If such contribution is deposited, the treasurer shall make at least one written or oral request for evidence of the legality of the contribution. If the contribution cannot be determined to be legal, the treasurer shall, within thirty days of receipts of the contribution, refund the contribution to the contributor. 11 C.F.R. § 103.3(b)(1). However, if the treasurer determined at the time the contribution was received that it was not illegal, but later discovers its illegality based on new

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evidence not available to the committee at the time of receipt or deposit, the treasurer shall refund the contribution within thirty days of discovering its illegality. 11 C.F.R.

§ 103.3(b)(2).

A review of the Agenda's reports disclosed the following two receipts, totaling \$10,000, from unregistered organizations:

<u>Organization</u> ³	<u>Amount</u>	<u>Received</u>	<u>Transferred</u>
United Auto Workers, Region 6	\$5000	01/11/89	01/23/90
California Applicant's Attorneys Assoc. PAC	\$5000	05/19/89	01/23/90
Total	<u>\$10,000</u>		

On January 10, 1990, the Commission sent a letter to the Agenda inquiring whether the funds received from the unregistered organizations were from funds or accounts permissible under the Act. The letter also advised the Agenda to refund or transfer-out the funds if the contributions were not permissible. On January 26, 1990, the Agenda responded by submitting a letter dated January 25, 1990, which alleged that the contribution from the United Auto Workers, Region 6 was misdescribed and actually not made by the labor union. The letter also alleged that the contribution from the California Applicant's Attorneys Association PAC was intended for the Agenda's State account and was deposited into the Agenda's federal account in error. The Agenda transferred the

3. California law permits corporations and labor unions to make contributions or expenditures for political purposes.

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impermissible funds into its non-federal account on January 23, 1990. On February 1, 1990, a letter was sent to the Agenda asking for clarification of the Agenda's response as to the United Auto Workers, Region 6 contribution. On February 26, 1990, William Heine, the Agenda's attorney responded as to United Auto Workers, Region 6, via letter, explaining the source of the contribution. Mr. Heine explained that the contribution was made by an individual and the funds involved were left over after the dissolution of an ad hoc political committee administered by that individual. In addition, Mr. Heine stated that the Agenda believed the contribution was permissible. However, the response also noted that some of the monies in the contribution might have come from local unions, and thus the contribution was transferred out of the Agenda's Federal Account. The Agenda transferred the entire amount of the apparent impermissible funds to its non-federal account more than thirty (30) days after receipt thereof.

Based on the foregoing, it appears that the Agenda and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a) by accepting contributions from unregistered organizations which are not subject to the prohibitions and limitations of the Act, and depositing such contributions into their federal account. The response leaves some uncertainty regarding the true contributor or the source of the funds for the \$5,000 contribution received by the Agenda on

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January 11, 1989.⁴ In addition there is also reason to believe that the Agenda and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 434(b), which requires committees to identify all contributors of contribution in excess of \$200. Therefore, there is reason to believe that the Agenda and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a), and 2 U.S.C. § 434(b).

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4. This contribution was initially reported as a contribution from the United Auto Workers, Region 6.

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS
LAWYERS

90 OCT 12 AM 11:44

LAURENCE D. STEINSAPIR
ROBERT M. DOHRMANN
RICHARD D. SOMMERS
STUART LIBICKI
MICHAEL R. FEINBERG
MICHAEL D. FOUR
MARGO A. FEINBERG
HENRY M. WILLIS
DAVID ADELSTEIN
DENNIS J. MURPHY
D. WILLIAM HEINE
CLAUDE CAZZULINO
DOLLY M. GEE

SUITE 1820
3580 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90010-2594
(213) 487-5700
FAX (213) 487-5548

KENNETH M. SCHWARTZ
(RETIRED)

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 OCT 12 PM 3:14

October 9, 1990

BY FAX AND REGULAR MAIL

Lawrence D. Parrish, Esq.
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Agenda for the 90's; FEC MUR 3129

Dear Mr. Parrish:

As I indicated in our telephone conversation today, this office represents the Agenda for the 90's ("the Agenda") and Douglas Shorenstein as its treasurer in connection with the subject matter of Chariman Elliott's letter dated September 27, 1990. The Agenda is forwarding under separate cover a completed Statement of Designation of Council.

The Agenda and Mr. Shorenstein are interested in pursuing "pre-probable cause conciliation" under 11 C.F.R. § 111.18(d). Please send us a proposed settlement agreement for the Agenda's consideration.

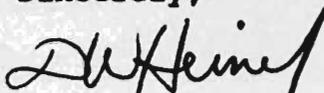
In addition, we would like to request an extension of time for submitting additional factual and legal materials relevant to this matter. The current due date is October 16, 1990. Good cause exists for an extension for the following reasons. I am the attorney in this office primarily responsible for advising the Agenda on compliance with the Federal Election Campaign Act. The Agenda received your letter dated September 27, 1990 on October 1, 1990. On October 3, 1990 my grandfather, Frank O. Heine, died, and I immediately traveled to Buffalo, New York to attend the wake and funeral. I did not return to my office until today, October 9, 1990. Because this unexpected absence has made it necessary for me to reschedule several other pressing matters on an already dense calendar, I would like to have until October 30, 1990 to submit additional legal and/or factual materials.

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Lawrence D. Parrish, Esq.
October 9, 1990
Page 2

Please let me know the Commission's response to this request for an extension as soon as possible so I may plan accordingly.

Sincerely,



D. William Heine

DWH:dw

cc: Walter H. Shorenstein
Bruce Lee
Douglas Shorenstein

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

October 12, 1990

D. William Heine, Esquire
Schwartz, Steinsapir, Dohrmann
& Sommers
Suite 1820
3580 Wilshire Boulevard
Los Angeles, California 90010-2594

RE: MUR 3129
Agenda for the 90's

Dear Mr. Heine:

This is in response to your letter dated October 9, 1990, which we received on October 9, 1990, requesting an extension until October 30, 1990 to respond. 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 October 30, 1990.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

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STATEMENT OF DESIGNATION OF COUNSEL

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OFFICE OF GENERAL COUNSEL

MUR 3129

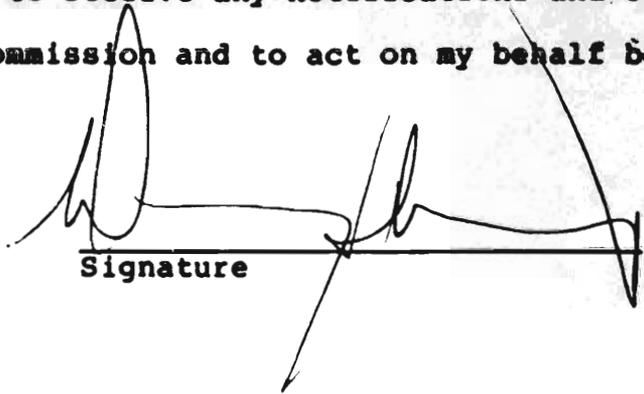
NAME OF COUNSEL: William Heine

ADDRESS: Schwartz, Steinsapir, Dohrmann & Sommers
3580 Wilshire Boulevard, Suite 1820
Los Angeles, CA 90010-2594

TELEPHONE: (213) 487-5700

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.

October 9, 1990
Date



Signature

RESPONDENT'S NAME: Agenda for the 90's

ADDRESS: One California Street, Suite 2900
San Francisco, CA 94111

HOME PHONE: _____

BUSINESS PHONE: (415) 772-7162

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SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS

LAWYERS

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SUITE 1820

3880 WILSHIRE BOULEVARD

**KENNETH M. SCHWARTZ
(RETIRED)**

LOS ANGELES, CALIFORNIA 90010-2594

(213) 487-5700

FAX (213) 487-5548

LAURENCE D. STEINSAPIR
ROBERT M. DOHRMANN
RICHARD D. SOMMERS
STUART LIBICKI
MICHAEL R. FEINBERG
MICHAEL D. FOUR
MARGO A. FEINBERG
HENRY M. WILLIS
DAVID ADELSTEIN
DENNIS J. MURPHY
D. WILLIAM HEINE
CLAUDE CAZZULINO
DOLLY M. GEE

October 30, 1990

SENT BY FAX AND REGULAR MAIL

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

Re: **Agenda For The 90's; FEC MUR 3129**

Dear Mr. Noble:

This letter and the accompanying affidavits^{1/} are submitted in response to the Commission's September 27, 1990 letter to Douglas Shorenstein, Treasurer of the Agenda for the 90's (hereinafter "the Agenda"). While the Agenda and Mr. Shorenstein formally deny they have violated the Federal Election Campaign Act (hereinafter "the Act"), these materials are submitted in aid of the Commission's conciliation efforts. We believe these materials demonstrate that no further action should be taken against the Agenda or its Treasurer.

A. Alleged Excessive Contributions To Federal Candidate Committees.

As the affidavit of Donald Muir reveals, contributions of more than \$1,000 were made to five federal candidates between March and June, 1989, before the Agenda qualified as a multicandidate committee under Section 441a(a)(4) of the Act and Section 100.5(e)(3) of the Commission's regulations. However, these contributions were made by persons who, unfortunately, were unaware of the distinction under the Act between a "political committee" and a "multicandidate political committee". [See affidavits of Douglas Shorenstein and Donald Muir.] The Agenda was created as a political committee in January, 1989 and its personnel were obviously not as schooled in the requirements of the Act as they should have been, and as they are now after the

^{1/} Unsigned affidavits have been sent by Fax with this letter. The executed affidavits are being mailed under separate cover.

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OFFICE OF GENERAL COUNSEL

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instant experience. Thus, no excessive contributions were knowingly made.

Indeed, as soon as the Agenda learned from its attorneys that the contributions may have been excessive, it took steps to obtain refunds from the five candidates. These refunds were requested and received before the Agenda received the Commission's first letter on this issue dated November 8, 1989. This fact demonstrates that the Agenda fully desired to comply with the Act; it was only a novice's ignorance of the rules which led to the alleged violation. The fact that the Agenda reported all of these contributions in July, 1989 shows it believed them to be lawful and that it was not trying to hide anything.

B. Alleged Receipts From Unregistered Organizations And Prohibited Funds.

1. **Contribution From The California Applicants' Attorneys Association.** This receipt too was the result of careless screening and reporting, and nothing more. Both Don Muir and Carl Janson admit that this was a plain error which should have been detected. As soon as the mistake came to the Agenda's attention, it was rectified.

2. **Contribution From UAW Alliance Against Concessions.** While the Agenda concedes there is a genuine question whether this contribution should have ever been made, the matter is not free from doubt. Bruce Lee did not believe that the Alliance was a "political committee" under the Act since it had never made any political contributions during its existence. It made one contribution only after the group had been dissolved. A literal reading of the definition of "political committee" shows that Mr. Lee's conclusion may not have been unreasonable. Commission Regulation § 100.5 defines "political committee" as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or which made expenditures aggregating in excess of \$1,000 during a calendar year." (emphasis added.) One thus could conclude that a group of persons must make at least two contributions or expenditures totalling more than \$1,000 in a calendar year before that group must register with the Commission.

Even assuming for the sake of argument that the Alliance was not a "political committee," of course, there is no evidence that the Alliance either established a separate account or used an accounting method designed to separate permissible from impermis-

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sible funds. Thus, the Alliance may have violated § 102.5(a) of the Commissions regulations. But § 103.3(b) of those regulations does not require the Agenda's Treasurer to inquire into the specific accounting method of the contributor so long as he is reasonably satisfied that the contribution was from permissible funds. Had the contribution not been erroneously recorded as coming from UAW Region 6 and had the Agenda's Treasurer or his agents made further inquiry into the Alliance contribution at the time it was made, the Agenda would have correctly concluded that the contribution was from permissible funds. Bruce Lee would have told him what he has told the Commission in the accompanying affidavit: that he believed there were sufficient funds in the Alliance account from individual contributors to cover the \$5,000 contribution.

While the Commission's other allegations may have some merit, we think there was plainly no violation of Section 441b(a) of the Act. As we asserted in our letter to the Commission's Reports Analysis Division, dated February 23, 1990, the Alliance itself was not a "labor organization" because it did not exist for the purpose of "dealing with" employers. [See affidavit of Lee, at ¶ 4.] Moreover, while some of the money in the Alliance's Pioneer Bank account concededly originally came from labor organizations, the \$5,000 which made up the contribution to the Agenda's federal account did not. [See Affidavit of Lee at ¶¶ 2-3.] And even assuming arguendo that a portion of that contribution did contain union funds, the Agenda did not "knowingly accept or receive a contribution prohibited by . . . § 441b]" of the Act. (emphasis added) [See Affidavit of Carl Janson.]

In sum the Agenda does not deny that, apart from the careless recording and reporting of the Alliance contribution, the Agenda, its Treasurer and his agents could have done more to meet their obligation under 11 CFR § 103.3(b). But the contribution itself was from permissible sources.

C. Conclusion.

The Agenda has demonstrated that the alleged violations certainly did not arise out of any disdain for or conscious disregard of the Act and the Commissions regulations but, rather, from a beginner's innocent ignorance of the many detailed rules with which to be familiarized before engaging in the activity of receiving and making federal campaign contributions. In short, the Agenda has learned a good lesson from this very process and has taken concrete steps to ensure that the kind of mistakes made

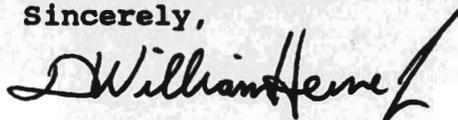
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Lawrence M. Noble, Esq.
October 30, 1990
Page 4

here will not recur. [See Affidavit of Douglas Shorenstein at ¶ 3.] While we do not suggest that ignorance or the law is a valid defense, in the circumstances here a civil penalty or any further enforcement action by the Commission would not serve any of the policies of the Act.

If you require any further information please feel free to contact us.

Sincerely,



D. William Heine

DWH:dz
Enclosures

cc: Walter H. Shorenstein
Bruce Lee
Douglas Shorenstein
(all w/encls.)

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**BEFORE THE
FEDERAL ELECTION COMMISSION**

STATE OF CALIFORNIA)
) ss. MUR 3129; Agenda For The 90's
COUNTY OF SAN FRANCISCO)

AFFIDAVIT OF DOUGLAS SHORENSTEIN

I, DOUGLAS SHORENSTEIN, being duly sworn upon my oath, hereby state as follows:

1. I am the Treasurer of the Agenda For The 90's (C00235069), having served in that position since the Agenda filed its Statement of Organization on or about January 6, 1989.

2. Several persons assisted me in my duties as Treasurer during the period January 1, 1989 through July 31, 1989. These included Don Muir, a professional fund-raiser, Carl Janson, an accountant, and Diane Morneault, a secretary. I relied on these persons, as well as our attorneys at that time, the law firm of Pillsbury, Madison & Sutro, to ensure that the requirements of the Federal Election Campaign Act (hereinafter "the Act") were followed.

3. At the time the Agenda made the contributions to the committees of Senators Simon, Heflin, Biden, Baucus and Rockefeller at issue in this matter, I was not aware of the distinction in federal law between "political committees" and "multicandidate political committees." Similarly, at the time I executed the Agenda's July 31, 1989 Mid Year Report I was still unaware of this

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1 distinction and did not believe these contributions were excessive
2 or unlawful.

3 4. I am informed that, sometime in September or October,
4 1989, the Agenda's attorneys at the time, Pillsbury, Madison &
5 Sutro, informed Don Muir and Carl Jansen that the Agenda had not
6 yet qualified as a "multicandidate political committee" and that
7 the above-mentioned contributions may have been excessive. As
8 soon as the Agenda learned this, Muir promptly contacted the five
9 candidates and requested refunds. Only after the Agenda qualified
10 as a multicandidate political committee did we resubmit the checks
11 to these candidates.

12 5. I am informed that the contribution from the California
13 Applicants' Attorneys Association received by the Agenda on May
14 19, 1989 was inadvertently deposited in the wrong account. This
15 contribution was intended for and should have been deposited in
16 the Agenda's state account but was erroneously deposited in the
17 federal account. At the time I signed the Agenda's July 31, 1989
18 Mid Year Report, I was not aware that this reported contribution
19 to the federal committee came from an organization that was not
20 registered with the Federal Election Commission.

21 6. At the time I signed the Agenda's July 31, 1989 Mid Year
22 Report, it did not come to my attention that a contribution from
23 "United Auto Workers Region 6" was reported. I have subsequently
24 been informed that this contribution in fact did not come from
25 United Auto Workers Region 6 but from another organization, "UAW
26 Alliance Against Concessions." I was not aware at the time the
27 contribution was made or at the time I signed the Mid Year Report

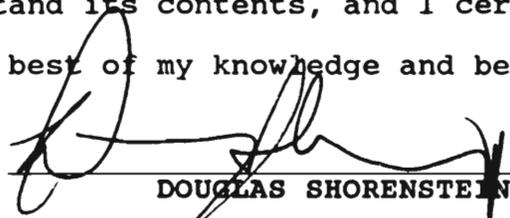
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1 that this organization may have been required to be, and was not,
2 registered with the Commission.

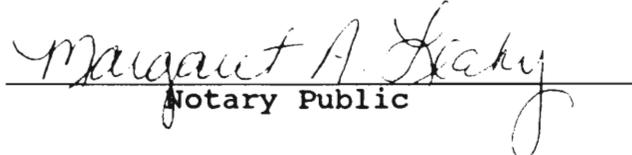
3 7. Since the problems raised by the Commission in this
4 matter have come to the Agenda's attention, we have made the
5 following changes to help ensure that all of the provisions of the
6 Act are complied with. A new professional fund-raiser, Richard
7 Leib, has been hired. Mr. Leib is an attorney familiar with the
8 Act and the Commission's regulations. He is currently in charge
9 of screening contributions to and expenditures by the Agenda for
10 compliance with the law. We have asked a new accountant, Barbara
11 Koch, to prepare the Reports Of Receipts And Disbursements (FEC
12 Form 3X) to be filed with the Commission. Ms. Koch has been given
13 the FEC Campaign Guide for Nonconnected Committees and has been
14 asked to familiarize herself with the rules and requirements
15 described therein. The Agenda has also retained new attorneys,
16 the law firm of Schwartz, Steinsapir, Dohrmann & Sommers, who have
17 given the Agenda specific advice and instruction on compliance
18 with the Act and have reviewed and will continue to review our
19 federal reports before they are filed.

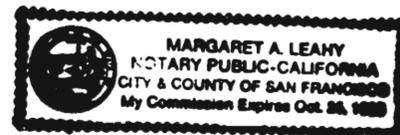
20 I have read this statement consisting of three pages, includ-
21 ing this page, I fully understand its contents, and I certify that
22 it is true and correct to the best of my knowledge and belief.

23
24 
DOUGLAS SHORENSTEIN

25 Subscribed and Sworn To Before me at

26 San Francisco, California
27 This 30th day of October, 1990

28 
Notary Public



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1 "multicandidate political committees," and did not believe that
2 these contributions were excessive or unlawful.

3 3. Sometime in September or October 1989, the Agenda's
4 attorney, Teresa Craigie of Pillsbury, Madison & Sutro, informed
5 me that the Agenda had not qualified to send up to \$5,000 to
6 federal candidates. Specifically, she told me that the Agenda
7 must have received contributions from fifty or more persons before
8 it could make such contributions. Upon learning this I contacted
9 the campaigns of the five senators and requested refunds. The
10 refunds were received by the Agenda in late October and early
11 November 1989. Had I been aware that the Agenda did not qualify
12 to give up to \$5,000, I would not have sent the original
13 contributions to these candidates.

14 4. I do not specifically recall receiving a contribution
15 from the California Applicants' Attorneys Association on May 19,
16 1989. I was not aware that this contribution was deposited in the
17 Agenda's federal account. It should not have been. Apparently,
18 an administrative error was made and was not caught. I did not
19 intend to deposit a contribution from an organization which was
20 not a registered political committee under federal law.

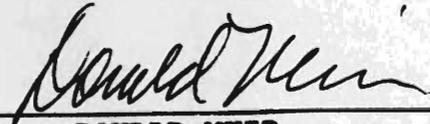
21 5. I was aware in January, 1989 that Bruce Lee had provided
22 the Agenda's federal account with a contribution of \$5,000 from an
23 organization in which he was involved. I did not believe that
24 this contribution came from a labor organization; I believed that
25 it was from "hard" funds, that is, funds which can be used in
26 connection with federal elections. I was not aware at the time

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1 that this contribution was erroneously reported as coming from
2 "UAW Region 6" on the Agenda's 1989 Mid Year Report.

3 I have read this statement consisting of three (3) pages,
4 including this page, I fully understand its contents, and I
5 certify that it is true and correct to the best of my knowledge
6 and belief.

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9 _____
10 DONALD MUIR

11 Subscribed and Sworn To Before me at
12 San Francisco, California
13 This 3/7 day of October, 1990

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15 _____
16 Notary Public



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**BEFORE THE
FEDERAL ELECTION COMMISSION**

STATE OF CALIFORNIA)
) ss. MUR 3129; Agenda For The 90's
COUNTY OF SAN FRANCISCO)

AFFIDAVIT OF CARL JANSON

I, **CARL JANSON**, being duly sworn upon my oath, hereby state
as follows:

1. I am an accountant employed by the Shorenstein Company.
From time to time in the period January 1, 1989 through
approximately November or December, 1989, I was asked by Walter
Shorenstein to assist the Agenda For The 90's in depositing
contributions, drafting checks and preparing reports.

2. I do not have a specific recollection of depositing a
contribution from the California Applicants' Attorneys Association
on May 19, 1989. This contribution, however, should not have been
deposited in the Agenda's federal account. An administrative
error was made and was not caught. When I prepared the Agenda's
July 31, 1989 Mid Year Report I did not catch this error. This
was the first report to the Federal Election Commission I had ever
prepared.

3. In January, 1989 I became aware that Bruce Lee had
provided the Agenda's federal account with a contribution of
\$5,000.00 from an organization in which he was involved. Because
I knew that Bruce Lee was the leader of UAW Region 6, I
erroneously recorded it as coming from that source in the Agenda's

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1 records. I was not aware at that time that contributions from the
2 treasury money of labor organizations are prohibited under the
3 Federal Election Campaign Act. Thus, when I prepared the
4 Agenda's July 31, 1989 Mid Year Report, I erroneously reported the
5 contribution as coming from UAW Region 6. It should have been
6 reported as from the "UAW Alliance Against Concessions."

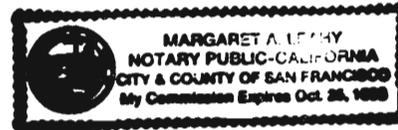
7 I have read this statement consisting of two (2) pages,
8 including this page, I fully understand its contents, and I
9 certify that it is true and correct to the best of my knowledge
10 and belief.

11
12 Carl E. Janson
13 CARL JANSON

14 Subscribed and Sworn To Before me at

15 San Francisco, California
16 This 31st day of October, 1990

17 Margaret A. Leahy
18 Notary Public



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**BEFORE THE
FEDERAL ELECTION COMMISSION**

STATE OF CALIFORNIA)
) **ss. MUR 3129; Agenda For The 90's**
COUNTY OF LOS ANGELES)

AFFIDAVIT OF BRUCE LEE

I, **BRUCE LEE** being duly sworn upon my oath, hereby state as follows:

1. I am the President of the Agenda For The 90's (hereinafter "the Agenda"). I serve in that position without any salary or remuneration. The Agenda is an independent political committee led by Walter H. Shorenstein and myself which has as one of its purposes the election of Democratic candidates to federal office. The Agenda also has state accounts to be used in connection with California elections. Mr. Shorenstein is the owner and Chairman of the Board of the Shorenstein Group, which consists of Milton Meyer & Company and The Shorenstein Company. I am the Regional Director of Region 6 of the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO.

2. At the time the Agenda was formed in January, 1989, I exercised control over a fund in an account at Pioneer Bank, 1110 East Wilshire, Fullerton, California in the name of the "UAW Alliance Against Concessions." As I explain in more detail below, this money was collected in 1983 from local unions and individuals for purposes unrelated to influencing federal or state elections. In January, 1989 there was \$109,791.11 in that account and I knew

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1 that well over \$5,000 of that money had come from voluntary
2 contributions of individuals. Therefore, I believed it proper to
3 donate \$5,000 of that money to the Agenda's federal account, and I
4 did so on behalf of the Alliance on or about January 20, 1990.

5 3. The UAW Alliance Against Concessions was formed in 1983
6 by myself, Raymond Majerus and Kenneth Worley. Majerus was the
7 International Secretary-Treasurer of the International Union, UAW.
8 Worley was the Director of Region 5 of the UAW. We created this
9 committee to help workers in the aerospace industry resist
10 employer demands for concessions in collective bargaining. The
11 Alliance was not an official UAW body or organization but an ad
12 hoc committee designed to supplement official UAW action. Money
13 was collected from local unions, individual union leaders,
14 individual union members and other friends of labor. A
15 substantial portion of the money was raised through "gate collec-
16 tions" in which individual union members were asked to contribute.
17 Receipts were deposited in the Pioneer Bank account described
18 above.

19 4. In 1983 money was expended from this account to help
20 finance worker rallies, establish strike kitchens, buy Christmas
21 turkeys for striking workers and similar support activities. The
22 Alliance did not have the purpose, in whole or in part, of dealing
23 with employers. Nor did it ever do so. Rather, its purpose was
24 to provide financial support to workers to help them hold the line
25 against concessions.

26 5. The Alliance account became inactive in 1984 because
27 employer demands for concessions in the aerospace industry sub-
28 sided after the Douglas Aircraft strike was settled in early 1984.

1 In 1987 Ray Majerus died and in 1988 Ken Worley retired from the
2 UAW and public life.

3 6. In January, 1989 I decided to dissolve the Alliance,
4 close its account and donate its remaining funds to a cause
5 consistent with the goals of its original contributors. I had
6 just helped form the Agenda for the 90's and believed the election
7 of Democratic candidates to state and federal office would further
8 workers' battle against concessions by improving the prospects for
9 reform of the labor laws. With the belief that \$5,000 of the
10 Alliance money came from voluntary contributions of individual
11 persons, I donated that amount, which I knew to be the maximum
12 amount which can be contributed to a federal political committee,
13 to the Agenda's federal account. I donated the remaining money,
14 \$104,791.11, to the Agenda's state account. Copies of a statement
15 of the Alliance account from Pioneer Bank and the checks I wrote,
16 showing these two contributions, are attached hereto as
17 Exhibit "A."

18 7. At the time the \$5,000 contribution to the Agenda's
19 federal account was made, I did not believe the Alliance would be
20 considered a "political committee" with an obligation to register
21 with the Federal Election Commission by virtue of this single
22 contribution made after the Alliance had been dissolved and
23 terminated. Nor was I aware that the Alliance may have been
24 required to establish a separate account or utilize any particular
25 accounting method in order to make this contribution. I believed
26 that, as long as the contribution came from individual
27 contributors, it was legal.

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8. I informed Carl Janson, who was the accountant assisting the Agenda, that the \$5,000 was from the UAW Alliance Against Concessions and not from UAW Region 6. He, however, erroneously recorded and reported the contribution as coming from UAW Region 6. When I became aware of the Commission's January 10, 1990 letter to the Agenda, I consented to the transfer of the \$5,000 from the Agenda's federal account to its state account until any question about that contribution's legality could be resolved.

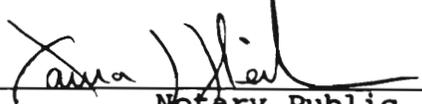
9. As recited in the affidavit of Douglas Shorenstein, the Agenda has taken specific actions to ensure that all the requirements of the Federal Election Campaign Act are henceforth met and that problems such as those brought to the Agenda's attention by the Commission will not recur.

I have read this statement consisting of four pages, including this page, I fully understand its contents, and I certify that it is true and correct to the best of my knowledge and belief.



BRUCE LEE

Subscribed and Sworn To Before me at
Artesia, California
This 30th day of October, 1990



Notary Public



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09600: PIONEER BANK FULLERTON OFFICE 001 Z 394 PAGE 1

NEW ALLIANCE AGAINST CONCESSIONS
17100 PIONEER BLVD 4300
ARTESIA, CA 90701
DIRECT INQUIRIES TO:
P.O. BOX 200
FULLERTON, CA 92632

JAN 31, 1989
ACCOUNT NUMBER
096 001-06916

PIONEER BANK IS NOW OFFERING RESIDENTIAL MORTGAGE LOANS AND
VISA AND MASTERCARD CREDIT CARDS AT ATTRACTIVE RATES.
ELECTRONIC TICKET PURCHASE IS AVAILABLE FOR OUR CREDIT CARD
MERCHANTS. FOR YOUR ACCOUNT OFFICER ABOUT THESE PRODUCTS
CHECKING ACCOUNT STATEMENT

DEBITS	REFERENCE OR CHECK NUMBER	DATE	AMOUNT	REFERENCE OR CHECK NUMBER	DATE	AMOUNT
		01-23	5,000.00		01-23	109,791.11
		01-23			01-23	692.00
		01-23			01-23	78,912.36
		01-23			01-23	109,791.11
		01-23			01-23	0.00
		01-23			01-23	0.00
		01-23			01-23	714,773.9600

PRIOR STATEMENT DATE 12-31-88
 TOTAL NUMBER OF DEBITS 2
 TOTAL NUMBER OF CREDITS 0
 CURRENT STATEMENT DATE 01-31-89
 INQUIRIES ON ELECTRONIC OR PREAUTHORIZED TRANSACTIONS, PLEASE CALL

AVERAGE 78,912.36
 PRIOR STATEMENT BALANCE 109,791.11
 TOTAL AMOUNT OF DEBITS 109,791.11
 TOTAL AMOUNT OF CREDITS 0.00
 CURRENT STATEMENT BALANCE 714,773.9600

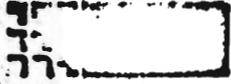
EXHIBIT A

*John
W. [unclear]*

Jan 20 0 89

Pay to the order of ALBENA FUR THE 90's \$ 104,791.46

One hundred four thousand seven hundred ninety one and 46/100 Dollars



Pioneer National Bank
1516 South Harbor Blvd.
Ft. Worth, Texas 76102

[Signature]

CONTRIBUTION STATE ACCT.

⑆122238543⑆ 001-406906⑆

John W. [unclear]

Jan 20 0 89

Pay to the order of ALBENA FUR THE 90's \$ 50,000.00

Five hundred thousand Dollars



Pioneer National Bank
1516 South Harbor Blvd.
Ft. Worth, Texas 76102

[Signature]

CONTRIBUTION STATE ACCT.

⑆122238543⑆ 001-406906⑆

21040



*Democratic
Agenda
for the 90's*

RECEIVED
FEDERAL ELECTION COMMISSION

90 NOV -5 PH 12: 30

EGC 8514

WALTER H. SHORENSTEIN
Chairman of the Board

October 31, 1990

BRUCE LEE
President

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

Re: Agenda for the 90's - FEC MUR 3129

Dear Mr. Noble:

Enclosed are the original executed affidavits of Douglas W. Shorenstein, Carl A. Janson and Donald Muir along with an amended 1989 mid-year report.

Sincerely,

Richard Leib
Agenda for the 90's

RL/dmm

Enclosures

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV -5 PH 2: 41

2104035305

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) AGENDA FOR THE 90's		2. FEC IDENTIFICATION NUMBER C00235069
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported One California Street, #2900		
CITY, STATE and ZIP CODE San Francisco, CA 94111		3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date).

4. TYPE OF REPORT

- (a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Non-election Year Only)
 Termination Report
- Monthly Report Due On:
 February 20 June 20 October 20
 March 20 July 20 November 20
 April 20 August 20 December 20
 May 20 September 20 January 31
- Twelfth day report preceding _____ (Type of Election)
election on _____ in the State of _____
- Thirtieth day report following the General Election on _____ in the State of _____
- (b) Is this Report an Amendment? YES NO

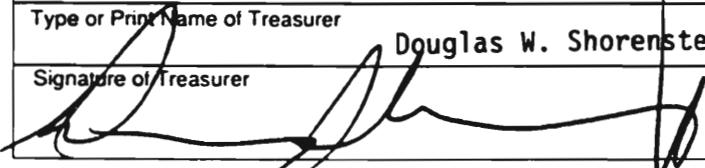
SUMMARY		COLUMN A	COLUMN B
5. Covering Period <u>January 1, 1989</u> through <u>June 30, 1989</u>		This Period	Calendar Year-to-Date
6. (a)	Cash on Hand January 1, 19_____		\$
(b)	Cash on Hand at Beginning of Reporting Period	\$	
(c)	Total Receipts (from Line 18)	\$	\$
(d)	Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$	\$
7.	Total Disbursements (from Line 28)	\$	\$
8.	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$	\$
9.	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10.	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$	

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

Type or Print Name of Treasurer

Douglas W. Shorestein

Signature of Treasurer



Date

October 31, 1990

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

21040353306

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

NAME OF COMMITTEE (in Full)

AGENDA FOR THE 90's

91040353307

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
UAW Alliance Against Concessions 110 E. Wilshire Avenue Fullerton, CA 92632	N/A	1/19/89	5,000.
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): N/A	Occupation N/A	Aggregate Year-to-Date > \$5,000.	
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)	
TOTAL This Period (last page this line number only)	

OGC 8560
RECEIVED
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

**SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS
LAWYERS**

90 NOV -6 AM 9:40

LAURENCE D. STEINSAPIR
ROBERT M. DOHRMANN
RICHARD D. SOMMERS
STUART LIBICKI
MICHAEL R. FEINBERG
MICHAEL D. FOUR
MARGO A. FEINBERG
HENRY M. WILLIS
DAVID ADELSTEIN
DENNIS J. MURPHY
D. WILLIAM HEINE
CLAUDE CAZZULINO
DOLLY M. GEE

SUITE 1820
3580 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90010-2594
(213) 487-5700
FAX (213) 487-5548

KENNETH M. SCHWARTZ
(RETIRED)

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV -6 AM 11:36

November 2, 1990

VIA FAX/REGULAR MAIL

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

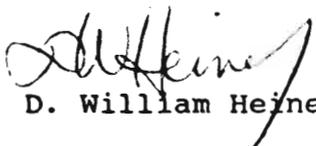
Attention: Lawrence Parrish, Esq.

Re: Agenda For The 90's; FEC MUR 3129

Dear Mr. Noble:

The amended 1989 Mid-Year Report submitted to your office along with the executed affidavits contained a typographical error. Please disregard that amended report. The Agenda is submitting a corrected Amended Report under separate cover directly to the Public Records Office of the Commission. Enclosed is a copy of that Amended Report for your information.

If you have any questions, please feel free to call me.

Sincerely,

D. William Heine

DWH:pls

Enclosure

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Democratic Agenda for the 90's

WALTER M. SPENCER
Chairman of the Board

BRUCE LEE
President

November 2, 1990

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

Gentlemen:

Enclosed is an amended mid-year report for the period
January 1, 1989 through June 30, 1989.

Very truly yours,
Richard Leib

Richard Leib
AGENDA FOR THE 90's

RL/dmm

Enclosure

91040853309

One California Street
Suite 2500
San Francisco, CA 94111
(415) 772-7036

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

SEE FEC REG AND LANS
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) AGENDA FOR THE 90's		2. FEC IDENTIFICATION NUMBER C00236069
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported One California Street, #2900		
CITY, STATE and ZIP CODE San Francisco, CA 94111		3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date).

4. TYPE OF REPORT

- (a) April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid Year Report (Non-election Year Only)
- Termination Report

Monthly Report Due On:

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

- Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- Thirtieth day report following the General Election on _____ in the State of _____

(b) Is this Report an Amendment? YES NO

SUMMARY		COLUMN A	COLUMN B
5. Covering Period <u>January 1, 1989</u> through <u>June 30, 1989</u>		This Period	Calendar Year-to-Date
6. (a)	Cash on Hand January 1, 19 _____	\$	\$
(b)	Cash on Hand at Beginning of Reporting Period	\$	\$
(c)	Total Receipts (from Line 1B)	\$	\$
(d)	Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$	\$
7.	Total Disbursements (from Line 2B)	\$	\$
8.	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$	\$
9.	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10.	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$	

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

Type or Print Name of Treasurer

Douglas W. Shoreinstein

Signature of Treasurer

Date

November 2, 1990

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

FEC FORM 3X

(revised 4-87)

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SCHEDULE A

ITEMIZED RECEIPTS

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

PAGE 1 OF 1
FORM LINE NUMBER 11(a)

Any information copied 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 solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

AGENDA FOR THE 90's

A. Full Name, Mailing Address and ZIP Code
UAW Alliance Against Concessions
171000 Pioneer Boulevard #300
Artesia, CA 90701

Receipt For: Primary General
 Other (specify): **N/A**

Name of Employer
N/A

Occupation
N/A

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

Date (month, day, year)
1/19/89

Amount of Each Receipt this Period
5,000.

B. Full Name, Mailing Address and ZIP Code

Receipt For: Primary General
 Other (specify):

Name of Employer

Occupation

Aggregate Year-to-Date **> \$**

Date (month, day, year)

Amount of Each Receipt this Period

C. Full Name, Mailing Address and ZIP Code

Receipt For: Primary General
 Other (specify):

Name of Employer

Occupation

Aggregate Year-to-Date **> \$**

Date (month, day, year)

Amount of Each Receipt this Period

D. Full Name, Mailing Address and ZIP Code

Receipt For: Primary General
 Other (specify):

Name of Employer

Occupation

Aggregate Year-to-Date **> \$**

Date (month, day, year)

Amount of Each Receipt this Period

E. Full Name, Mailing Address and ZIP Code

Receipt For: Primary General
 Other (specify):

Name of Employer

Occupation

Aggregate Year-to-Date **> \$**

Date (month, day, year)

Amount of Each Receipt this Period

F. Full Name, Mailing Address and ZIP Code

Receipt For: Primary General
 Other (specify):

Name of Employer

Occupation

Aggregate Year-to-Date **> \$**

Date (month, day, year)

Amount of Each Receipt this Period

G. Full Name, Mailing Address and ZIP Code

Receipt For: Primary General
 Other (specify):

Name of Employer

Occupation

Aggregate Year-to-Date **> \$**

Date (month, day, year)

Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

2104035311

91 JAN 11 AM 11:36

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)

Agenda for the 90's and)
Douglas Shorenstein,)
as treasurer)

NUR 3129

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was referred to the Office of General Counsel by the Reports Analysis Division ("RAD"). The referral concerns possible violations of 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 102.5(a) by the Agenda for the 90's (the "Agenda"), and Douglas Shorenstein, as treasurer. During 1989, the Agenda made six (6) apparent excessive contributions to five (5) federal candidate committees totalling \$21,000. At the time of the making of the excessive contributions, the Agenda had not been registered with the Commission for a period of (6) six months as required to qualify as a multicandidate committee. In addition, the Agenda received contributions from two (2) unregistered organizations totalling \$10,000 during 1989.

On September 20, 1990, the Federal Election Commission found reason to believe the Agenda for the 90's and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to five (5) federal candidate committees. On that same day, the Commission also found reason to believe the Agenda for the 90's and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a)

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by accepting contributions from unregistered organizations which are not subject to the prohibitions and limitations of the Act, and depositing such contributions into their federal account. The Commission further found on that day that the Agenda for the 90's and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 434(b) for misreporting the source of a contribution.

On October 9, 1990, the Agenda for the 90's, through its counsel, requested preprobable cause conciliation. (Attachment 1). On November 2, 1990, the Commission received additional information from the Agenda along with affidavits from Douglas Shorenstein, Carl Janson, Donald Muir and Bruce Lee. (Attachments 2, 3, 4, & 5).

II. ANALYSIS

Pursuant to 2 U.S.C. § 441a(a)(1)(A), no person, including a political committee other than a multicandidate committee, shall make contributions to any candidate and his authorized political committee with respect to any election for Federal office, which in the aggregate, exceed \$1,000.00. Pursuant to 2 U.S.C. § 441a(a)(2)(A), no multicandidate political committee shall make contributions to any candidate and his authorized political committee with respect to any election for Federal office which, in the aggregate, exceed \$5,000. Furthermore, under 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of section 441a.

Pursuant to 2 U.S.C. § 441a(a)(4) and 11 C.F.R. § 100.5(e)(3), to qualify as a multicandidate committee, a

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committee must have received contributions from more than (50) fifty persons, have been registered at least (6) months and have contributed to at least (5) five Federal candidates.

The Agenda first registered with the Commission on January 6, 1989. The Agenda was not registered with the Commission for six months until July 6, 1989. A review of the Agenda's 1989 Mid-Year Report disclosed six (6) apparent excessive contributions. There was one (1) contribution made on March 31, 1989, four (4) contributions made on June 5, 1989, and one (1) contribution made on June 7, 1989 to federal candidate committees. These contributions were made to the following committees:

<u>Committee</u>	<u>amount</u>	<u>disbursement</u>	<u>reimbursement</u>
Simon for U.S. Senate	\$5,000	03/31/89	11/06/89
Friends of Howell Heflin	2,000	06/05/89	10/27/89
Biden for U.S. Senate	5,000	06/05/89	10/31/89
Baucus for U.S. Senate	3,000	06/05/89	10/31/89
Rockefeller for U.S. Senate	5,000	06/05/89	11/01/89
Heflin for U.S. Senate	1,000	06/07/89	10/27/89
Total	\$21,000		

A letter was sent to the Agenda on November 8, 1989. The letter notified the Agenda that a non-multicandidate committee may not make contributions to a federal candidate in excess of \$1,000 per election. If the contributions were excessive, the

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letter recommended that the Agenda request refunds and/or redesignate the excessive amounts. On November 27, 1989, the Agenda responded by submitting a letter dated November 18, 1989, which indicated that four (4) of the excessive contributions had been returned and one of the refunds was forthcoming.¹ On November 30, 1989, a second notice was sent to the Agenda requesting the date of each refund received and a photocopy of the refund requests sent to the committees. On December 15, 1989, the Commission received photocopies of the refund checks and deposit slips from the Agenda.

On January 31, 1990, the Commission received the 1989 Year-End Report which indicated that the Agenda had qualified as a multicandidate committee on November 30, 1989.² This report also disclosed an additional apparent excessive contribution totalling \$5,000, made to Citizens for Biden on October 12, 1989. Schedule A of the report disclosed refunds for all of the apparent excessive contributions.

In the November 2, 1990 response, the Agenda alleges that the excessive contributions to federal candidates "were made by persons who, unfortunately, were unaware of the distinction

1. In the November 2, 1990 response, the Agenda alleges that as soon as it learned from its attorney that the contribution may have been excessive, the Agenda requested refunds from the five candidates. The Agenda further alleges that these refunds were requested before they received the Commission's first letter recommending that they request a refund and/or redesignate the excessive amount.

2. The excessive contributions were made before the Agenda had been registered with the Commission for at least six (6) months. The Agenda apparently had not received contributions from more than 50 persons until November 30, 1989.

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under the Act between a 'political committee' and a 'multicandidate political committee.'" (See attachment 2).

Douglas Shorenstein, the treasurer for the Agenda, states in his affidavit that he relied on persons such as Don Muir, a professional fundraiser, Carl Janson, an accountant, plus a secretary and attorneys to ensure that the requirements of the Federal Election Campaign Act were followed. He further states that he was not aware of the distinction in federal law between "political committees" and "multicandidate political committees", and did not believe that these contributions were excessive or unlawful. (See attachment 2)

Donald Muir states in his affidavit that he was in charge of receiving and depositing contributions to the Agenda's accounts. He further states that he "was not aware of the distinction in federal law between 'political committees' and 'multicandidate political committees,' and did not believe that these contributions were excessive or unlawful." (See attachment 4).

The Agenda faults the excessive contribution on a novice's ignorance of the rules. The Respondent's defense of a novice's ignorance does not excuse the Respondent from the requirements of the Act. Accordingly, the Agenda and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to five (5) federal candidate committees.³

3. The recipient committees were not referred to this Office.

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B. Receipts from Unregistered Organizations and Prohibited Funds

Pursuant to 2 U.S.C. § 441b(a), it is unlawful for any labor union, corporation, or national bank to make a contribution or expenditure in connection with any federal election. It is also unlawful for a political committee knowingly to accept such contributions. Furthermore, under 11 C.F.R. § 102.5(a), only funds subject to the prohibitions and limitations of the Act may be deposited into the separate account.

Pursuant to 11 C.F.R. § 102.5(b), any organization that makes contributions or expenditures but does not qualify as a political committee under the Act and any State or local party organization that makes contributions, expenditures and exempted payments shall either establish a separate account to which only funds subject to the prohibitions and limitations of the Act shall be deposited and from which contributions, expenditures and exempted payments shall be made in connection with federal election activity; or demonstrate through a reasonable accounting method that whenever such organization makes federal contributions, expenditures and exempted payments that sufficient funds subject to the prohibitions and limitations of the Act were acquired and used for such federal activity.

Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a committee shall be responsible for examining all contributions for evidence of illegality and for ascertaining whether contribution received, when aggregated with other contributions

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from the same contributor, exceed the contribution limitations. When contributions received present genuine questions as to whether they were made by corporations, labor organizations, foreign nationals, or Federal contractors, within ten days of receipt the treasurer can deposit the funds into a campaign depository or return the funds to the contributor. If such contribution is deposited, the treasurer shall make at least one written or oral request for evidence of the legality of the contribution. If the contribution cannot be determined to be legal, the treasurer shall, within thirty days of receipt of the contribution, refund the contribution to the contributor.

11 C.F.R. § 103.3(b)(1). However, if the treasurer determined at the time the contribution was received that it was not illegal, but later discovers its illegality based on new evidence not available to the committee at the time of receipt or deposit, the treasurer shall refund the contribution within thirty days of discovering its illegality. 11 C.F.R. § 103.3(b)(2).

A review of the Agenda's reports disclosed the following two receipts, totalling \$10,000, from unregistered organizations:

<u>Organization</u> ⁴	<u>Amount</u>	<u>Received</u>	<u>Transferred</u>
United Auto Workers, Region 6	\$5000	01/11/89	01/23/90
California Applicant's Attorneys Assoc. PAC	\$5000	05/19/89	01/23/90
Total	<u>\$10,000</u>		

4. California law permits corporations and labor unions to make contributions or expenditures for political purposes.

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On January 10, 1990, the Commission sent a letter to the Agenda inquiring whether the funds received from the unregistered organizations were from funds or accounts permissible under the Act. The letter also advised the Agenda to refund or transfer-out the funds if the contributions were not permissible. On January 26, 1990, the Agenda responded by submitting a letter dated January 25, 1990, which alleged that the contribution from the United Auto Workers, Region 6 was misdescribed and actually not made by the labor union. The letter also alleged that the contribution from the California Applicant's Attorneys Association PAC was intended for the Agenda's State account and was deposited into the Agenda's federal account in error. The Agenda transferred the impermissible funds from the United Auto Workers, Region 6 and the California Applicant's Attorneys Association PAC into its non-federal account on January 23, 1990.

On February 1, 1990, a letter was sent to the Agenda asking for clarification of the Agenda's response as to the United Auto Workers, Region 6 contribution. On February 26, 1990, William Heine, the Agenda's attorney responded as to United Auto Workers, Region 6, via letter, explaining the source of the contribution. Mr. Heine explained that the contribution was made by an individual and the funds involved were left over after the dissolution of an ad hoc political committee administered by that individual. In addition, Mr. Heine stated that the Agenda believed the contribution was permissible.

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However, the response also noted that some of the monies in the contribution might have come from local unions, and thus the contribution was transferred out of the Agenda's Federal Account. The Agenda transferred the entire amount of the apparent impermissible funds to its non-federal account more than thirty (30) days after receipt thereof.

On November 5, 1990, this Office received an affidavit from Carl Janson who stated that he was an accountant and assisted in the preparation of the Agenda's July 31, 1989 Mid Year Report. (See attachment 3). Mr. Janson also states that he does not have a specific recollection of depositing the contribution from the California Applicants' Attorneys Association PAC on May 19, 1989, but an error was made and the contribution should not have been deposited in the Agenda's federal account. He further avers that he thought the \$5,000.00 contribution came from the UAW Region 6 because he knew that Bruce Lee was the leader of the organization and erroneously recorded the contribution as coming from the UAW Region 6.

On November 5, 1990, this Office received an affidavit from Bruce Lee who stated that he was the president of the Agenda and also the regional director of the region 6 of the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO. (See attachment 5). Mr. Lee further states that "at the time the Agenda was formed in January, 1989, I exercised control over a fund in an account at Pioneer Bank, 1110 East Wilshire, Fullerton, California in the name of the "UAW Alliance Against Concessions." Mr. Lee alleges that the

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money in this account was collected in 1983 from local unions and individuals for purposes unrelated to influencing federal or state elections. Mr. Lee further alleges that he made the \$5,000.00 contribution to the Agenda because he knew that well over \$5,000.00, from the UAW Alliance Against Concessions' account, came from voluntary contributions of individuals.⁵

As to the prohibited funds received from the California Applicant's Attorneys Association PAC, the Agenda faults the deposit of the prohibited funds on an error. Although the Agenda did take correcting measures in this matter, the amount involved is substantial. As to the Respondent's defense that the prohibited funds initially reported as from United Auto Workers, Region 6 were actually misdescribed and not made by the labor union, this argument does not prevail. Even if the funds came from the UAW Alliance Against Concessions and not from the United Auto Workers, Region 6, the contribution would still have been from an account containing prohibited funds. Mr. Lee stated in his affidavit that the Alliance did not establish a separate account or utilize any particular accounting method to make this contribution. Accordingly, Mr. Lee's argument that since he knew that well over \$5,000.00 came from voluntary contributions of individuals does not prevail because the funds were mixed with prohibited funds and there is no way to determined the prohibited funds from the permissible funds.

5. Mr. Lee stated that the Alliance was dissolved in January of 1989, and at the time had \$109,791.11 in its account. Mr. Lee also stated that the Alliance donated \$104,791.11 to the Agenda's state account and \$5,000.00 to the Agenda's federal account.

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Furthermore, the Agenda misidentified the source of this contribution on its reports.

Therefore, the Agenda and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a) by accepting contributions from unregistered organizations which are not subject to the prohibitions and limitations of the Act, and depositing such contributions into their federal account. In addition the Agenda and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 434(b). The Agenda and Douglas Shorenstein, as treasurer, failed to identify the Alliance as the contributor of the \$5,000 contribution received by the Agenda on January 11, 1989.⁶

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

6. This contribution was initially reported as a contribution from the United Auto Workers, Region 6.

91040853322

IV. RECOMMENDATIONS

1. Enter into conciliation with the Agenda for the 90's and Douglas Shorenstein, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

1/10/91
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Request for conciliation
2. Affidavit from Douglas Shorenstein
3. Affidavit from Carl Janson
4. Affidavit from Donald Muir
5. Affidavit from Bruce Lee
6. Proposed Conciliation Agreement

Staff assigned: Lawrence D. Parrish

91040853323

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3129
Agenda for the 90's and)
Douglas Shorenstein, as)
treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 15, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3129:

1. Enter into conciliation with the Agenda for the 90's and Douglas Shorenstein, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and the appropriate letter, as recommended in the General Counsel's Report dated January 10, 1991.

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

Attest:

Jan 16, 1991
Date

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

Received in the Secretariat: Friday, January 11, 1991 11:36 a.m.
Circulated to the Commission: Friday, January 11, 1991 2:00 p.m.
Deadline for vote: Tuesday, January 15, 1991 4:00 p.m.

dh

910403324



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 18, 1991

D. William Heine, Esq.
Schwartz, Steinsapir, Dohrmann
and Sommers
3580 Willshire Boulevard, Suite 1820
Los Angeles, California 90010-2594

RE: MUR 3129
Agenda for the 90's and
Douglas Shorenstein, as treasurer

Dear Mr. Heine:

On September 20, 1990, the Federal Election Commission found reason to believe that Agenda for the 90's and Douglas Shorenstein, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) and 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a) and 2 U.S.C. § 434(b). At your request, on January 15, 1991, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

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

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

910403325

SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS
LAWYERS

SUITE 1820
3550 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90010-2594
(213) 487-5700
FAX (213) 487-5548

91 FEB 28 AM 10:28

KENNETH M. SCHWARTZ
(RETIRED)

LAURENCE D. STEINSAPIR
ROBERT M. DOHRMANN
RICHARD D. SOMMERS
STUART LIBICKI
MICHAEL R. FEINBERG
MICHAEL D. FOUR
MARGO A. FEINBERG
HENRY M. WILLIS
DAVID ADELSTEIN
DENNIS J. MURPHY
D. WILLIAM HEINE
CLAUDE CAZZULINO
DOLLY M. GEE
KATHY A. FINN
KATIE COOPER

February 25, 1991

VIA FAX/REGULAR MAIL

Mr. Lawrence D. Parrish
Office of the General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: FEC MUR 3129; Agenda for the 90's

Dear Mr. Parrish:

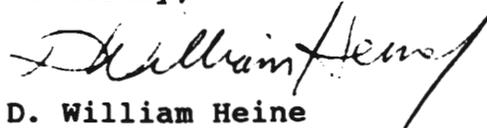
This is to confirm that you have agreed on behalf of the Commission's General Counsel to extend the period for conciliation negotiations beyond the thirty days referenced in Lois G. Lerner's letter dated January 18, 1991.

This letter also confirms that you have stated on behalf of the General Counsel that any civil penalty which the Agenda agrees to pay from the Commission pursuant to a conciliation agreement may be paid from the Agenda's non-federal account. Moreover, you have stated that legal expenses incurred by the Agenda in connection with this enforcement proceeding may be paid from the non-federal account. You indicated that such payments would not be considered expenditures for the purpose of influencing any election for federal office.

If the above is inaccurate, please advise me in writing within ten days so I may advise the Agenda accordingly.

Thank you for your cooperation.

Sincerely,



D. William Heine

DWH:eb
cc: Douglas Shorenstein

91 FEB 28 PM 12:16

91040853326

06/16/91

**SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS
LAWYERS**

SUITE 1820
3550 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90010-2594
(213) 487-5700
FAX (213) 487-5848

KENNETH M. SCHWARTZ
(RETIRED)

PMR 3129

LAURENCE D. STEINSAPIR
ROBERT M. DOHRMANN
RICHARD D. SOMMERS
STUART LIBICKI
MICHAEL R. FEINBERG
MICHAEL D. FOUR
MARGO A. FEINBERG
HENRY M. WILLIS
DAVID ADELSTEIN
DENNIS J. MURPHY
D. WILLIAM HEINE
CLAUDE CAZZULINO
DOLLY M. GEE
KATHY A. FINN
KATIE COOPER

June 17, 1991

91 JUN 20 AM 10:46

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

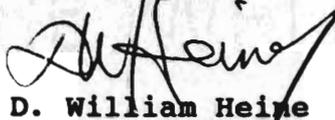
Mr. Lawrence D. Parrish
Office of the General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: Agenda for the 90's

Dear Mr. Parrish:

This confirms our telephone conversation today in which I informed you that the conciliation agreement had been sent out to the Agenda and Douglas Shorenstein for execution. We will contact our clients and attempt to expedite return of the agreement to you.

Sincerely,



D. William Heine

DWH:eb

91 JUN 20 AM 10:01

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

21040853327

600 # 1732

SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS
LAWYERS

SUITE 1820
3580 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90010-8894
(213) 487-8700
FAX (213) 487-8848

KENNETH M. SCHWARTZ
(RETIRED)

LAURENCE D. STEINSAPIR
ROBERT M. DOHRMANN
RICHARD D. SOMMERS
STUART LIBICKI
MICHAEL R. FEINBERG
MICHAEL D. FOUR
MARGO A. FEINBERG
HENRY M. WILLIS
DAVID ADELSTEIN
DENNIS J. MURPHY
D. WILLIAM HEINE
CLAUDE CAZZULINO
DOLLY M. GEE
KATHY A. FINN
KATIE COOPER

June 26, 1991

Mr. Lawrence D. Parrish
Office of the General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: Agenda for the 90's - MUR 3129

Dear Mr. Parrish:

Enclosed is the executed original Conciliation Agreement in
the above-referenced matter.

Sincerely,



D. William Heine

DWH:dr
Enclosure

cc: Douglas Shorenstein
Howard Welinsky
(all w/enclosure)

91040353328

91 JUL -1 AM 10:41

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 JUL -1 AM 9:37

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

91 JUL -9 PM 3:30

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)

Agenda for the 90's and)
Douglas Shorenstein, as treasurer)

MUR 3129

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a signed conciliation agreement.

(Attachment 1.) The attached agreement contains no changes from the agreement approved by the Commission on April 23, 1991. The Respondent has not yet sent the Commission a check for the civil penalty. Respondents' counsel has indicated that payment for the civil penalty will be remitted as soon as the Commission approves the conciliation agreement.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Agenda for the 90's and Douglas Shorenstein, as treasurer.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

7/9/91

BY:


Lois G. Lerner
Associate General Counsel

Attachment:
Conciliation Agreement

Staff Assigned: Lawrence D. Parrish

91040353329

Doc 1828

SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS
LAWYERS

SUITE 1820
3580 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90010-2594
(213) 487-5700
FAX (213) 487-5548

KENNETH M. SCHWARTZ
(RETIRED)

LAURENCE D. STEINSAPIR
ROBERT M. DOHRMANN
RICHARD D. SOMMERS
STUART LIBICKI
MICHAEL R. FEINBERG
MICHAEL D. FOUR
MARGO A. FEINBERG
HENRY M. WILLIS
DAVID ADELSTEIN
DENNIS J. MURPHY
D. WILLIAM HEINE
CLAUDE CAZZULINO
DOLLY M. GEE
KATHY A. FINN
KATIE COOPER

July 3, 1991

Mr. Lawrence D. Parrish
Office of the General Counsel
Federal Election Commission
Washington, D. C. 20463

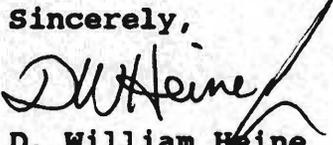
Re: Agenda for the 90's

MUR
3129

Dear Mr. Parrish:

Enclosed is a check from the Agenda for the 90's federal account payable to the Federal Election Commission in the amount of \$5,500. This payment is made pursuant to Paragraph VI.1 of the Conciliation Agreement in this matter.

Thank you for your cooperation.

Sincerely,

D. William Heine

DWH:dr
Enclosure

cc: Douglas Shorenstein
Howard Welinsky
(all w/o enclosure)

RECEIVED
FEDERAL ELECTION COMMISSION
91 JUL 10 PM 3:19

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH
91 JUL - 8 AM 9:22

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3129
Agenda for the 90's and)
Douglas Shorenstein, as)
treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 12, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 3129:

1. Accept the conciliation agreement with Agenda for the 90's and Douglas Shorenstein, as treasurer, as recommended in the General Counsel's Report dated July 9, 1991.
2. Close the file.
3. Approve the letters, as recommended in the General Counsel's Report dated July 9, 1991.

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

Attest:

7-12-91
Date

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

Received in the Secretariat: Tuesday, July 9, 1991 3:30 p.m.
Circulated to the Commission: Wednesday, July 10, 1991 11:00 a.m.
Deadline for vote: Friday, July 12, 1991 11:00 a.m.

dh

9104085331



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 17, 1991

CLOSED

D. William Heine, Esquire
Schwartz, Steinsapir, Dohrmann & Sommers
Suite 1820
3580 Wilshire Blvd.
Los Angeles, California 90010-2594

RE: MUR 3129
Agenda for the 90's

Dear Mr. Heine:

On July 12, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of Agenda for the 90's and Douglas Shorenstein, as treasurer, in settlement of violations 2 U.S.C. §§ 441a(a)(1)(A), 441b(a) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and 11 C.F.R. § 102.5(a), a provision of the Commission's regulations. Accordingly, the file has been closed in this matter.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Lawrence D. Parrish, the attorney staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

9104035332

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3129
Agenda for the 90's and)
Douglas Shorenstein, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Agenda for the 90's (the "Agenda"), and Douglas Shorenstein, as treasurer, (collectively "Respondents") violated 2 U.S.C. §§ 441a(a)(1)(A), 441b(a) and 434(b) and 11 C.F.R. § 102.5(a).

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

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

II. 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:

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1. The Agenda for the 90's is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Douglas Shorenstein is the treasurer of the Agenda for the 90's.

3. The Federal Campaign Act of 1971, as amended ("the Act") provides that no person, including a political committee other than a multicandidate committee, shall make contributions to any candidate and his authorized political committee with respect to any election for Federal office, which in the aggregate, exceed \$1,000.00. 2 U.S.C. § 441a(a)(1)(A). Pursuant to 2 U.S.C. § 441a(a)(2)(A), no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$5,000. Furthermore, under 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of section 441a.

4. Pursuant to 2 U.S.C. § 441a(a)(4) and 11 C.F.R. § 100.5(e)(3), to qualify as a multicandidate committee, a committee must have received contributions from more than (50) fifty persons, have been registered at least (6) months and have contributed to at least (5) five Federal candidates.

5. The Agenda first registered with the Commission on January 6, 1989.

6. The Agenda's 1989 Mid-Year Report disclosed six (6) apparent excessive contributions. There was one (1) contribution (in the amount of \$5,000) made on March 31, 1989, four (4)

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contributions (in the amounts of \$2,000, \$5,000, \$3,000, \$5,000) made on June 5, 1989, and one (1) contribution made on June 7, 1989 to federal candidate committees. The excessive contributions were made before the Agenda had been registered with the Commission for at least six (6) months. The Agenda did not meet all of the requirements to be a multicandidate political committee until November 30, 1989.

7. On January 31, 1990 the Commission received the 1989 Year-End Report which indicated that the Agenda had qualified as a multicandidate committee on November 30, 1989. This report also disclosed an additional apparent excessive contribution to a federal candidate for \$5,000, made on October 12, 1989 prior to the Agenda's qualification date. Schedule A of the report disclosed refunds for all of the apparent excessive contributions, and in fact all such contributions were refunded by the candidates to the Agenda by November 6, 1989, before any inquiry was made about these contributions by the Commission.

8. Pursuant to 2 U.S.C. § 441b(a) it is unlawful for any labor union, corporation, or national bank to make a contribution or expenditure in connection with any federal election. It is also unlawful for a political committee knowingly to accept such contributions.

9. Pursuant to 11 C.F.R. § 102.5(a), only funds subject to the prohibitions and limitations of the Act may be deposited into the separate account. Furthermore, under to 11 C.F.R. § 102.5(b) any organization that makes contributions or expenditures but does not qualify as a political committee under the Act and any State

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or local party organization that makes contributions, expenditures and exempted payments shall either establish a separate account to which only funds subject to the prohibitions and limitations of the Act shall be deposited and from which contributions, expenditures and exempted payments shall be made in connection with federal election activity; or demonstrate through a reasonable accounting method that whenever such organization makes federal contributions, expenditures and exempted payments that sufficient funds subject to the prohibitions and limitations of the Act were acquired and used for such federal activity.

10. Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a committee shall be responsible for examining all contributions for evidence of illegality and for ascertaining whether contribution received, when aggregated with other contributions from the same contributor, exceed the contribution limitations.

11. Pursuant to 2 U.S.C. § 434(b), every committee must file reports which disclose the amounts of all contributions in excess of \$200 per calendar year, the dates of contributions, the names of contributors and the address of contributors.

12. The Agenda's reports disclosed two receipts, totalling \$10,000, from unregistered organizations. The Agenda reported receiving a \$5,000 contribution from United Auto Workers, Region 6 on January 11, 1989, and a \$5,000 contribution from California Applicant's Attorneys Association PAC on May 19, 1989.

13. On January 23, 1990, the Agenda transferred the apparent impermissible funds from the California Applicant's Attorneys Association PAC and the United Auto Workers, Region 6

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into its non-federal account. The Agenda transferred the entire amount of the apparent impermissible funds to its non-federal account more than thirty (30) days after receipt thereof.

14. The Agenda initially erroneously reported the \$5,000 contribution received on January 11, 1989 from the United Auto Workers, Region 6. But in fact the contribution came from the UAW Alliance Against Concessions, an organization which the Agenda contends is not a labor organization within the meaning of 2 U.S.C. § 441b(b)(1).

V. 1. The Respondents made excessive contributions to five (5) federal candidate committees, in violation of 2 U.S.C. § 441a(a)(1)(A). The Respondents contend they did not knowingly and willfully violate 2 U.S.C. § 441a(a)(1)(A).

2. The Respondents accepted contributions from two unregistered organizations which are not subject to the prohibitions and limitations of the Act, and deposited such contributions into its federal account, in violation of 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a). The Respondents contend they did not knowingly and willfully violate 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(a).

3. The Respondents failed to identify the UAW Alliance Against Concessions as the contributor of the \$5,000 contribution received by the Respondent on January 11, 1989, in violation of 2 U.S.C. § 434(b). The Respondents contend they did not knowingly and willfully violate 2 U.S.C. § 434(b).

VI. 1. In settlement of this matter, Respondents will pay a civil penalty to the Federal Election Commission in the amount of

9104085337

five thousand, five hundred dollars (\$5,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. The Respondents agree that only funds subject to the prohibitions and limitations of the Act will be deposited into its separate federal account.

3. The Respondents agree that all future reports will disclose the true contributors of all contributions in accordance with 2 U.S.C. § 434(b).

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

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

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

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

2104035338

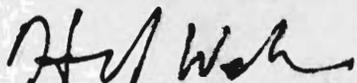
FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

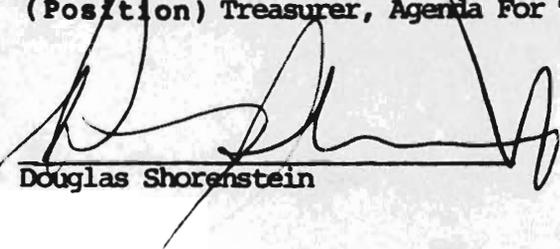
BY: 
Lois G. Lerner
Associate General Counsel

Date 2/17/91

FOR THE RESPONDENT:


(Name) Howard Welinsky
(Position) Treasurer, Agenda For The 90's

Date 4/25/91


Douglas Shorestein

Date June 18, 1991

21040353339



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3/29

DATE FILMED 8/13/91 CAMERA NO. 4

CAMERAMAN AS

21040853340



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 330.3

DATE FILMED 8/13/91 CAMERA NO. 4

CAMERAMAN AS

91040853341



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

4 February 1991

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF MONTHLY UNAUTHORIZED COMMITTEES
FOR FAILING TO FILE THE 1990 12 DAY PRE-GENERAL
REPORT BY ELECTION DAY

Attached is a listing of thirty-five (35) monthly unauthorized committees which failed to file the 1990 12 Day Pre-General Report by Election Day, November 6, 1990.

For your information, each committee was sent Prior Notice of the due date of the report on October 1, 1990 (Attachment 36). Twenty-nine (29) of the committees were sent Non-Filer Notices on November 15, 1990 (Attachment 37). Six (6) of the committees

Pacific Mutual Life Insurance Company PAC) were not sent Non-Filer Notices because their 12 Day Pre-General Reports were filed by November 15, 1990.

If you have any questions, please contact Lisa Stolaruk at 376-2480.

Attachment

91040353342

91040653343

C00068528 Pacific Mutual Life Insurance Company
Political Action Committee (PMPAC)

91NF-46

91040853344

**PACIFIC MUTUAL LIFE INSURANCE COMPANY POLITICAL
ACTION COMMITTEE (PMPAC)**

(Attachment 30a - 30c)

COMMITTEE	REVENUE	RECEIPTS	DISBURSEMENTS	# OF COVERAGE DATES	# OF PAGES	LOCATION TYPE OF FILE
-----------	---------	----------	---------------	---------------------	------------	-----------------------

PACIFIC MUTUAL LIFE INSURANCE COMPANY (PACIFIC MUTUAL LIFE INSURANCE CO)
 CONNECTED ORGANIZATION: PACIFIC MUTUAL LIFE INSURANCE CO

1989	FEBRUARY MONTHLY	2,955	0	12AN89 -012AN89	4	02FE8/001/0000
	MARCH MONTHLY	2,955	500	12FE89 -26FE89	5	02FE8/000/0000
	APRIL MONTHLY	2,955	4,000	12AP89 -01AP89	5	02FE8/001/0000
	MAY MONTHLY	3,258	9,500	12AP89 -30AP89	7	02FE8/000/4410
	JUNE MONTHLY	3,734	5,500	12JUN89 -01JUN89	1	02FE8/000/0000
	JULY MONTHLY	4,523	1,000	12JUN89 -30JUN89	7	02FE8/001/1600
	AUGUST MONTHLY	3,455	2,000	12AUG89 -01AUG89	8	02FE8/007/0000
	SEPTEMBER MONTHLY	3,855	500	12AUG89 -01AUG89	5	02FE8/010/0100
	OCTOBER MONTHLY	3,675	4,450	12SEP89 -30SEP89	13	02FE8/010/4300
	NOVEMBER MONTHLY	3,959	0	12OCT89 -31OCT89	12	02FE8/010/4600
	DECEMBER MONTHLY	3,664	4,500	12NOV89 -30NOV89	12	02FE8/017/0100
	YEAR-END	5,424	2,000	12DEC89 -01DEC89	14	02FE8/000/0000
	YEAR-END - AMENDMENT	5,424	2,000	12DEC89 -01DEC89	5	02FE8/000/0100
1990	FEBRUARY MONTHLY	3,244	500	12JAN90 -01JAN90	4	02FE8/000/0000
	MARCH MONTHLY	2,904	500	12JAN90 -01JAN90	0	02FE8/000/0100
	APRIL MONTHLY	2,924	1,250	12FEB90 -26FEB90	5	02FE8/000/0400
	MAY MONTHLY	2,924	1,250	12FEB90 -26FEB90	5	02FE8/007/4000
	JUNE MONTHLY	4,731	1,500	12MAR90 -01MAR90	5	02FE8/007/4500
	JULY MONTHLY	3,542	4,500	12MAR90 -31MAR90	7	02FE8/000/0000
	AUGUST MONTHLY	3,655	12,000	12APR90 -01APR90	10	02FE8/040/2000
	SEPTEMBER MONTHLY	7,451	5,500	12JUN90 -30JUN90	9	02FE8/040/4100
	OCTOBER MONTHLY	4,519	6,750	12OCT90 -01OCT90	12	02FE8/000/0000
	NOVEMBER MONTHLY	4,592	5,000	12OCT90 -01OCT90	12	02FE8/000/0400
	DECEMBER MONTHLY	4,352	4,000	12NOV90 -01NOV90	14	02FE8/000/0000
	YEAR-END	100	750	12DEC90 -01DEC90	5	02FE8/070/4100
	YEAR-END - AMENDMENT	173	750	12DEC90 -01DEC90	5	02FE8/007/0100
	TOTAL	4,530	20,000	12DEC90 -01DEC90	15	02FE8/077/0100
TOTAL		57,501	0	100,500	0	200 TOTAL PAGES

91040853345

ALL REPORTS HAVE BEEN REVIEWED
 ENDING CASH ON HAND AS OF 11/26/90: 4,564.00
 OUTSTANDING DEBTS OWED BY THE COMMITTEE AS OF 11/26/90: 0.00

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

CONFIDENTIAL

USE PREVIOUS EDITION OR PRINT

1. NAME OF COMMITTEE (in full) PACIFIC MUTUAL LIFE INSURANCE COMPANY POLITICAL ACTION COMMITTEE		2. FEC IDENTIFICATION NUMBER C00069520
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 700 Newport Center Drive		
CITY, STATE and ZIP CODE Newport Beach, CA 92660		3. <input type="checkbox"/> This committee qualified as a multicandidate committee during THIS Reporting Period on (date)

4. TYPE OF REPORT

- (a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Plan-election Year Only)
 Termination Report
- Monthly Report Due On:
 February 28 June 30 October 31
 March 31 July 31 November 30
 April 30 August 31 December 31
 May 31 September 30 January 31
- Tenth day report preceding General (Type of Election)
 election on NOV. 6 in the State of CA
- Tenth day report following the General Election on _____ in the State of _____
- (b) Is this Report an Amendment? YES NO

9 0 3 6 7 0 4 1 5 3

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>10/01/90</u> through <u>10/17/90</u>		
6. (a) Cash on Hand January 1, 19 <u>90</u>			\$ 22,137.70
(b) Cash on Hand at Beginning of Reporting Period		\$ 27,304.92	
(c) Total Receipts (from Line 10)		\$ 130.00	\$ 46,297.22
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 27,434.92	\$ 68,434.92
7. Total Disbursements (from Line 20)		\$ 750.00	\$ 41,750.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 26,684.92	\$ 26,684.92
9. Debts and Obligations Owed TO the Committee (Remove all on Schedule C and/or Schedule D)		\$ 0	
10. Debts and Obligations Owed BY the Committee (Remove all on Schedule C and/or Schedule D)		\$ 0	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20468
Toll Free 800-424-9630
Local 202-376-3120

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

Type or Print Name of Treasurer ROBERT G. HASKELL	Date 11/7/90
Signature of Treasurer <i>Robert G. Haskell</i>	

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 9502g.



PACIFIC MUTUAL

Pacific Mutual Life Insurance Company
700 Newport Center Drive
Newport Beach, California 92660
Member Pacific Financial Companies



CERTIFIED
NO. 795333

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

RETURN RECEIPT REQUESTED



GENERAL ELECTION ATTACHMENT 36
(Page 1 of 2)

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACs

October 1, 1990

I. ALL MONTHLY FILERS

REPORT	REPORTING PERIOD	REG./CERT.	
		MAILING DATE*	FILING DATE
Pre-General	10/01/90**-10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

II. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 17***

REPORT	REPORTING PERIOD	REG./CERT.	
		MAILING DATE*	FILING DATE
Pre-General	10/01/90**-10/17/90	10/22/90	10/25/90
Post-General	10/18/90 - 11/26/90	12/06/90	12/06/90

III. QUARTERLY FILERS WHICH DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 17***

REPORT	REPORTING PERIOD	REG./CERT.	
		MAILING DATE*	FILING DATE
Post-General	10/01/90**-11/26/90	12/06/90	12/06/90

WHO MUST FILE

Party committees and PACs (nonconnected committees and separate segregated funds) must follow the above charts in order to determine whether they must file the pre-general election report. All party committees and PACs, regardless of financial activity, must file the post-general election report.

WHAT MUST BE REPORTED

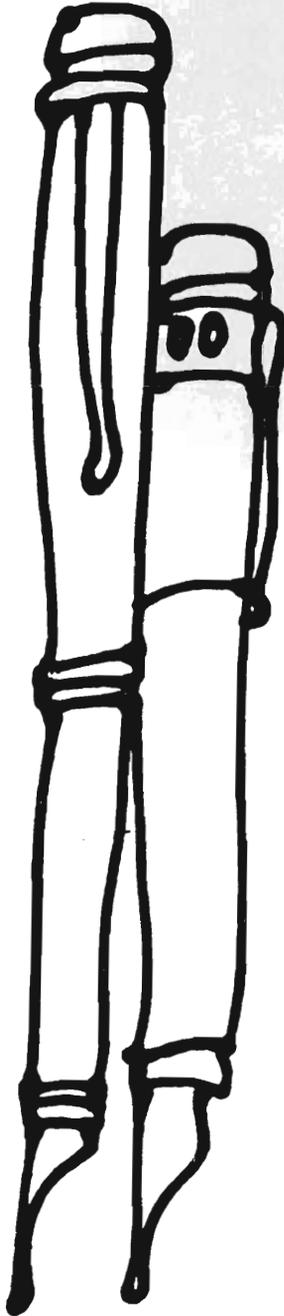
All financial activity (not previously reported) that occurred during the reporting period.

*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

**The period begins with the close of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

***Committees that made general election contributions or expenditures prior to October 1 which have not been previously reported must also follow the Chart II reporting requirements.

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PARTIES AND PACs

GENERAL ELECTION

REPORTING FORMS

Party committees and PACs use Form 3X (enclosed).

WHERE TO FILE

Consult the instructions on the back of the Form 3X 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 INDEPENDENT EXPENDITURES

Any PAC which makes any independent expenditures aggregating \$1,000 or more during the period beginning October 18 and ending November 4 must report them within 24 hours. Call the FEC for more information.

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.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

November 15, 1990

**TREASURER
COMMITTEE
STREET
CITY, STATE ZIP**

Identification Number: ID NUMBER

Reference: 12 Day Pre-General Report (10/1/90-10/17/90)

Dear **TREASURER**:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR §§108.2, 108.3, 108.4).

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact **ANALYST** on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

9104083350

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

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral: 91NF 17 - 51
Staff Member: Noriega E. James

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

RESPONDENTS:

2 1 0 4 0 8 5 3 3 5 1

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f

Pacific Mutual Life Insurance Company Political
Action Committee (PMPAC) and Robert G. Haskell,
as treasurer (91NF-46)

21040853353

RELEVANT STATUTES: 434(a)(4)(B)
INTERNAL REPORTS CHECKED: Referral Materials
FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above thirty-five (35) committees and their treasurers to the Office of the General Counsel on February 5, 1991. The basis of the attached RAD referral is the committees' failure to file the

1990 12 Day Pre-General Report in a timely manner, in violation of 2 U.S.C. § 434(a)(4)(B).

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees were required to file a 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. The committees referred by RAD failed to file the 1990 Pre-General Report or a report covering the pre-election period by the required deadline. However, seven of the committees filed 1990 November Monthly Reports with coverage dates of October 1 through 31, 1990. These reports

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were received after the due date for the 12 Day Pre-General Report.

On October 1, 1990, prior notification was sent to all unauthorized committees which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Report by October 25, 1990 (Attachment 1, pages 177 - 178). Each committee which failed to submit either a 12 Day Pre-General Report or a November Monthly Report was sent a Non-Filer Notice on November 15, 1990 (Attachment 1, page 179).

Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe that 34 of the 35 previously referenced committees and their treasurers (See Recommendation I) violated 2 U.S.C. § 434(a)(4)(B) by failing to file timely the 1990 12 Day Pre-General Report.

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III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation with the respondents prior to a finding of probable cause to believe.

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PAGES 7 THROUGH 27 DO NOT PERTAIN TO THESE RESPONDENTS.

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IV. RECOMMENDATIONS

1. Open Matters Under Review, find reason to believe that the following committees and their treasurer violated 2 U.S.C. § 434(a)(4)(B) and enter into conciliation prior to a finding of probable cause to believe:

A.

B.

C.

D.

E.

F.

G.

H.

I.

J.

K.

L.

M.

N.

O.

P.

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Q.

R.

S.

T.

U.

V.

W.

X.

Y.

Z.

AA.

BB.

CC. Pacific Mutual Life Insurance Company Political
Action Committee (PMPAC) and Robert G. Haskell, as
treasurer (91NF-46)

DD.

EE.

91040853360

FF.

GG.

HH.

2.

3. Approve the attached Factual and Legal Analyses and proposed conciliation agreements and the appropriate letters.

Lawrence M. Noble
General Counsel

Date 5/2/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

- 1. RAD Referral
- 2. Factual and Legal Analysis (34)
- 3. Conciliation Agreement (34)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Thirty-five (35) Committees and) RAD Referrals
their treasurers) #91NF 17-51
)

CERTIFICATION

I, Marjorie W. Emmons, do hereby certify that
the Commission took the following actions with respect
to the above-captioned referrals:

1. Decided by a vote of 6-0 to
- a) Open Matters Under Review, find reason to believe that the following committees and their treasurer violated 2 U.S.C. § 434(a)(4)(B) and enter into conciliation prior to a finding of probable cause to believe:
 - A.
 - B.
 - C.

(continued)

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Federal Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 2

D.

E.

F.

G.

H.

I.

J.

K.

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(continued)

Federation Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 3

L.

M.

N.

Q.

P.

Q.

R.

S.

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(continued)

T.

U.

V.

W.

X.

Y.

Z.

AA.

(continued)

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BB. Pacific Mutual Life Insurance
Company Political Action
Committee (PMPAC) and Robert
G. Haskell, as treasurer
(91NF-46)

CC.

DD.

EE.

FF.

GG.

b)

c) Approve the Factual and Legal Analyses
and proposed conciliation agreements
and the appropriate letters as
recommended in the General Counsel's
Report dated May 2, 1991.

(continued)

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Federal Election Commission
Certification: RAD 91NF 17-51
May 14, 1991

Page 6

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

Attest:

5-17-91
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 28, 1991

**Robert G. Haskell, Treasurer
Pacific Mutual Life Insurance Company
Political Action Committee (PMPAC)
700 Newport Center Drive
Newport Beach, CA 92660**

**RE: MUR 3303
Pacific Mutual Life Insurance
Company Political Action Committee
(PMPAC) and
Robert G. Haskell, as treasurer**

Dear Mr. Haskell:

On May 14, 1991, the Federal Election Commission found that there is reason to believe Pacific Mutual Life Insurance Company Political Action Committee (PMPAC) ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), 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.

In order to expedite the resolution of this matter, the Commission has also decided to offer 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.

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Robert G. Haskell, Treasurer
Page 2

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, 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.

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 Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Vice Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

91040853369

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

MUR: 3303

RESPONDENTS: Pacific Mutual Life Insurance Company Political Action Committee (PMPAC) and Robert G. Haskell, as treasurer

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(B). According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

With regard to the 1990 general election, unauthorized committees were required to file a 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. The above referenced committee failed to file the 1990 Pre-General Report or a report covering the pre-election period by the required deadline. Therefore, there is reason to believe the Pacific Mutual Life Insurance Company Political Action Committee (PMPAC) and Robert G. Haskell, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to timely file the 1990 12 Day Pre-General Report.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 26, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert G. Haskell, Treasurer
Pacific Mutual Life Insurance Company
Political Action Committee (PMPAC)
700 Newport Center Drive
Newport Beach, CA 92660

RE: MUR 3303
Pacific Mutual Life Insurance
Company Political Action
Committee (PMPAC) and
Robert G. Haskell,
as treasurer

Dear Mr. Haskell:

On May 28, 1991, you were notified that the Federal Election Commission had found reason to believe Pacific Mutual Life Insurance Company Political Action Committee (PMPAC) and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Act. Additionally, the Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30 day period for negotiations will soon expire. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

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Robert G. Haskell, Treasurer
Page Two

Should you have any questions, please contact
Deborah Curry, the attorney assigned to this matter, at
(202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner
by LML

BY: Lois G. Lerner
Associate General Counsel

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91 JUL 11 PM 4:40

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
 Pacific Mutual Life Insurance Company) MUR 3303
 Political Action Committee (PMPAC))
 and Robert G. Haskell, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Robert G. Haskell, Vice-President of Public Affairs, on behalf of Pacific Mutual Life Insurance Company Political Action Committee (PMPAC).

The attached agreement contains no changes from the agreement approved by the Commission on May 14, 1991. A check for the civil penalty has been received in the amount of \$375.00.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Pacific Mutual Life Insurance Company Political Action Committee (PMPAC).
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

7/11/91
Date

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

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Deborah Curry

91040353373

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Pacific Mutual Life Insurance Company) MUR 3303
Political Action Committee (PMPAC))
and Robert G. Haskell, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 16, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3303:

1. Accept the conciliation agreement with Pacific Mutual Life Insurance Company Political Action Committee (PMPAC).
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated July 11, 1991.

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

Attest:

7-16-91
Date

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

Received in the Secretariat: Thurs., July 11, 1991 4:40 p.m.
Circulated to the Commission: Fri., July 12, 1991 12:00 p.m.
Deadline for vote: Tues., July 16, 1991 4:00 p.m.

dr

21040853374



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 23, 1991



Robert G. Haskell, Treasurer
Pacific Mutual Life Insurance Company
Political Action Committee (PMPAC)
700 Newport Center Drive
Newport Beach, CA 92660

RE: MUR 3303
Pacific Mutual Life Insurance
Company Political Action
Committee (PMPAC) and
Robert G. Haskell,
as treasurer

Dear Mr. Haskell:

On July 16, 1991, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to Pacific Mutual Life Insurance Company Political Action Committee and you, as treasurer.

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.

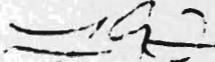
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Robert G. Haskell, Treasurer
Page Two

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Deborah Curry, 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

21040853376

00C 1706

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

MUR: 3303

Pacific Mutual Life Insurance Company)
Political Action Committee (PMPAC))
and Robert G. Haskell, as treasurer)

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JUN 27 PM 3:24

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Pacific Mutual Life Insurance Company Political Action Committee (PMPAC) and Robert G. Haskell, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(B).

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

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

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

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

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

1. Pacific Mutual Life Insurance Company Political Action Committee (PMPAC) is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Robert G. Haskell is the treasurer of Pacific Mutual Life Insurance Company Political Action Committee (PMPAC).

3. Section 434(a)(4)(B) of the Federal Election Campaign Act of 1971, as amended ("the Act"), provides that all unauthorized political committees, that file monthly reports, shall file a pre-general election report in lieu of filing the report otherwise due in November of any year in which a regularly scheduled general election is held. According to Section 434(a)(2)(A)(i) the pre-election report must be filed no later than the 12th day before any election, and should be complete as of the 20th day before the election.

4. Respondents were required to file the 12 Day Pre-General Election Report, covering the pre-election period of October 1 through October 17, by October 25, 1990. Respondents failed to file the 1990 12 Day Pre-General Report or a report covering the pre-election period until November 8, 1990, 14 days late, disclosing \$130 in receipts and \$750 in disbursements for the relevant reporting period.

V. Respondents failed to file the 1990 12 Day Pre-General Report in a timely fashion in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Hundred and Seventy-Five Dollars (\$375), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

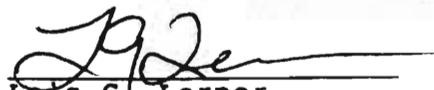
IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

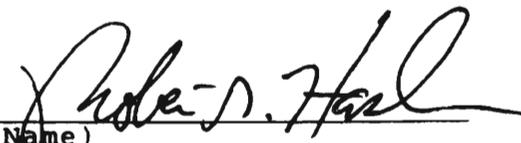
BY:


Lois G. Lerner
Associate General Counsel

Date

7/22/91

FOR THE RESPONDENTS:


(Name)
(Position)
Robert G. Haskell
Vice President
Public Affairs

June 6, 1991
Date

91040853379



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF RLR # 3308

DATE FILMED 8/13/91 CAMERA NO. 4

CAMERAMAN AS

91040853380