FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3157

DATE FILMED 7/9/92 CAMERA NO. 4

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FEDERAL ELECTION COMMISSION
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OGC 8489

Missouri Republican Party

... making history!

October 25, 1990

MUR 3157

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV -1 PM 12:59

Mr. Laurence Noble, General Counsel
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

RE: Ms. Joan Kelly Horn
Joan Kelly Horn for Congress Committee
1750 S. Brentwood Blvd., Ste. 256
St. Louis, Missouri 63144

Dear Mr. Noble:

I would like to register a formal complaint against Ms. Joan Kelly Horn for Congress Committee, 1750 S. Brentwood Blvd., Ste. 256, St. Louis, Missouri 63144; so that you may further investigate some events happening that I feel are in violation of federal campaign and disclosure laws.

The complaints are as follows:

1) The Joan Kelly Horn for Congress Committee in its campaign literature (enclosed, Exhibit 1) and in the publication Campaigns and Elections (enclosed, Exhibit 2), make reference to a poll conducted for them by Greenberg, Lake Analysis Group, Inc., 515 Second Street, NE, Washington, DC 20002. There is no payment for such poll reflected in any of their FEC Receipts and Disbursement Reports; nor is there any outstanding bill for such a poll shown in any report. If such a poll was conducted and the results given to the Horn campaign, its fair market value is estimated to be $6,000 to $7,000 or more and is an illegal in-kind contribution by a corporation, Greenberg, Lake Inc.

2) The Horn for Congress Committee has obtained the names of individuals in the Second Congressional District who signed the initiative petition circulated by STOP-PAC in the State of Missouri. STOP-PAC's petition was an attempt to put an abortion regulation statute on the November 1990 Missouri Ballot. Although the signature drive fell short of certifiable numbers, it is estimated that 25,000 or more names from the Second Congressional District were secured by the Horn Campaign. The Missouri Republican Party knows individuals who have signed the petition and believe that their names have been given to the Horn for Congress Committee. (Enclosed, Exhibit 3.) Nowhere in Ms. Horn's FEC Reports is the purchase of those names disclosed.

P O Box 73, 204 East Franklin St. / Jefferson City, Mo. 65102 / (314) 636-3146

Paid for by the Missouri Republican Party—Harvey Tettlebaum, Treasurer

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Likewise if it was an in-kind contribution from STOP-PAC, it is not disclosed and even if disclosed, it is believed such a list would have a fair market value in excess of the maximum allowable donation of $5,000 for any PAC.

3) The Horn for Congress Committee's campaign office has two computers, two printers, and a Canon copy machine which have never been purchased by the Committee nor does any lease payments for such equipment show on any FEC Report -- other than a leased fax machine. It is believed that the equipment is owned, leased or rented by Community Consultants, Inc., a Missouri corporation owned by the candidate. The use of such corporate assets by the campaign is prohibited by federal election law. Even if all of this equipment is owned by the candidate personally, Ms. Horn must disclose this personal contribution on her FEC Reports. Again, nowhere on any report is such disclosure made.

4) The automobile, a 1987 Chrysler LeBaron license number ZRS-841, driven by Ms. Horn in her campaign, is owned by Community Consultants, Inc. The use of such vehicle is another prohibited corporate donation.

5) A portion of the Horn-Jones residence (her husband is E. Terrance Jones) at 8570 Colonial, Ladue, Missouri 63124, is an office which she deducts as corporate headquarters. Her Ethics Disclosure (personal finance statement) on file with the Clerk of the House of Representatives indicates the corporation pays rent to her for such use. That office is currently being used by Ms. Horn for campaign purposes--again, an illegal corporate contribution.

6) The University of Missouri at St. Louis (UMSL) is a not-for-profit institution and is prohibited by federal law from using its resources on behalf of candidates for federal office. The University's media department has been used to produce a piece for Horn's campaign called Accent on Aging. It was produced by Mr. James Fay. No where in Ms. Horn's FEC Reports is either Mr. Fay paid or is the University reimbursed for such media production.

7) At the same university, staff members do work on political affairs during their salaried time. While not a violation of Missouri state law, such use is a violation of federal campaign and tax law. The Missouri Republican Party can and will inform the Federal Election Commission of the names if requested.

8) The Horn for Congress Committee has failed to comply with federal law by filing timely with the Secretary of State in Jefferson City, Missouri. The campaign's January 31, 1990 report

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was filed on February 16, 1990; Ms. Horn's Ethics statement was filed on May 25, 1990; and the campaign has yet to file its April Quarterly 1990 report. Under federal law, the Horn for Congress Committee must file timely with the Clerk of the House, the Federal Election Commission the Secretary of State of Missouri.

For the above reasons the Missouri Republican Party respectfully requests that the General Counsel of the Federal Election Commission investigate these improprieties.

Thank you for your attention in this matter.

Sincerely,

Tony Feather

Tony Feather, Executive Director
Missouri Republican Party
P. O. Box 73
204 E. Dunklin
Jefferson City, Missouri 65101

Enclosures

Subscribed and sworn to before me, the date and year first above written.

Deanna Rackers

Notary Public

DEANNA L. RACKERS
NOTARY PUBLIC STATE OF MISSOURI
COLE COUNTY
MY COMMISSION EXP SEPT 27, 1992

My commission expires: _____

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Exhibit #1

JOAN KELLY HORN
CONGRESS

NEWSLETTER

Number 7 June 1992

MOMENTUM MOUNTS IN CONGRESSIONAL CAMPAIGN

Success is breeding increasing enthusiasm for Joan Kelly Horn's campaign to represent Missouri's 2nd District in the U.S. House of Representatives. The numbers - polling, fund raising and key endorsements - are encouraging. Many individuals and groups within the state and around the country have made Joan's early goals attainable, and she is grateful to them for these accomplishments. But, she notes, there's much more to be done.

Poll. Joan's recently completed benchmark poll shows that this race is here to win. The poll was conducted by Greenberg-Lake and Associates in April. The results show that a pro-choice Democratic woman can defeat an anti-choice Republican incumbent by at least four percentage points. That lead grows substantially when voters consider her opponent's poor voting and attendance records. Those records, combined with the choice issue, give her an even greater lead, according to the poll. Furthermore, the poll indicates that fewer than half the voters believe her opponent deserves re-election and that more than half perceive him as more of a politician than a leader.

Key Support. Joan continues to attract important people and groups to her camp. Both House Majority Leader Dick Gephardt and St. Louis Mayor Vince Schoemehl are among her most spirited advocates. And she is confident that she will continue to sweep Democratic township endorsements in her district. The state and St. Louis labor councils have endorsed Joan's candidacy, as have women's groups, teachers, nurses and peace organizations.

Fund Raising. These endorsements have been central to Joan's early fund-raising success. As of June 1, she had reached 25 percent of her goal. But that means 75 percent remains to be raised. She must have $500,000 to win this race. She needs at least $100,000 in June and July to maintain her pace. Several fund-raising events have already taken place in the St. Louis area and Joan anticipates great turnouts for future events.

Families. Joan has challenged her opponent on family issues. He has consistently voted against legislation that affects families - child care, education, parental leave - although the people of the 2nd District believe it is high time that our federal government rethink its priorities regarding such issues.

Economic Development. Joan strongly supports the expansion of Lambert - St. Louis International Airport and the building of the light rail system. Both projects are favored by nearly 80 percent of the people in the 2nd District. Joan's opponent is

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Exhibit #1

...Excerpts from the June 1990 letter...

Fortunately, independent research shows I can beat this man in November...but only if I raise enough money to expose his record to ALL the voters in my district.

That research, done in my district by independent professionals, shows that a pro-choice candidate, especially a woman, has the majority of voters with her. Most people in my district don't agree with my opponent. But, as we know, to disagree is not enough. To change things, people must interrupt their day, get in their car, wait in line, and vote. People have never been busier than they are today, which means I must make a case against this man so compelling, and do it so often that no one who shares our view could possibly stay home on election day. This will take money. Lots of money!!

With enough money we can let voters know that there are other reasons that this person should NOT be re-elected. His positions are not only dangerous to women, but he also has a shameful record of voting against families, education, and the environment. Here are some more facts about Jack Buechner:

* He ranks in the lowest 14 percent in Congressional attendance.

* In the last 18 months, he has missed important votes on the savings and loan bailout, sharing technology with Japan, and the override of the minimum wage veto. Instead, he chose to travel to nine different countries on five continents.

* He voted to double defense spending while supporting cuts for transportation, education, and programs for the homeless.

* Just last month, he voted against the Child Care and the Family and Medical Leave Acts, both passed by Congress to help today's working families and children.

* While he was a state legislator, he lobbied for a cable TV company after purchasing stock in that company at an "insider" price of $10. Recently, he sold that stock for $218,000.

* To line his pockets even more, he voted himself a $30,000 pay raise, then voted against raising the minimum wage -- $30,000 more for himself but not pennies more per hour for those who worry about their next insurance payment or utility bill.

Give me the funds I need and, together, we can remove this person from his current position of power over our lives. Help me preserve the most fundamental right our democracy guarantees, personal sovereignty over our bodies, by helping me rid our government of a threat to that right. Thank you.

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Exhibit #2

7

The Field

Campaigns & Elections, October 1990

media poll

media poll

MASSACHUSETTS

Sen.—DEM: John Kerry* (51-48 in 88, $3,[illegible]). GOP: James Rappaport (n/a, $1037). GOV—DEM: Dukakis (I, Pres. John Silber (90-[illegible]). GOP: ex-U.S. Rep. William Weld (44-70). MI2—DEM: Richard Neal* ([illegible]). MI4—DEM: Barney Frank* (71-[illegible], $[illegible]). GOP: John [illegible] ([illegible]). MI6—DEM: Chet Atkins* ([illegible]). GOP: st. Rep. John MacGregor ($47). MI10—DEM: Gerry Studds* ($307). GOP: Jim Bryan ($121).

When LG Evelyn Murphy dropped out of the governor's race 18 days before the primary, it was assumed her votes would go to Democratic Gov. Michael Dukakis. Dukakis was the last for whom had a much higher regard for Silber. The female here, as with David Duke in Louisiana and Charlie Wilson in Texas, Voters today have a higher regard for straight talk that actually from someone than anti-pollen blackmail mentions. > The abortion issue will be a factor in the race for Gov. Dukakis has promised the abortion issue for Kerry, his former running mate. Republican's cash deficit falls will likely sink Kerrigan.

MICHIGAN

SEN.—DEM: Carl Levin* ($[illegible]). GOP: MI10 Cong. Bill Schuette ($[illegible]). GOV—DEM: Jim Blanchard* ($[illegible]). GOP: st. Sen. John Engler ($[illegible]). MI2—DEM: Howard Wolpe* ($[illegible]). GOP: Brad Hawkins ($[illegible]). MI12—DEM: Dave Bonior* ($[illegible]). GOP: Jim Bergman ($[illegible]).

Schuette has what right all the natural GOP color issues. > Engler keeps improving. Blanchard's campaign keeps bungling, but abortion should be enough to have past the Gov.

MINNESOTA

SEN.—GOP: Rudy Boschwitz (12-55-33, $[illegible]). DEM: Paul Wellstone ($[illegible]). GOV—DEM: Rudy Perpich* (D). GOP: Jon Grunseth (18-44). MI2—GOP: st. Rep. Jim Ramstad (57, $[illegible]). DEM: ex-Minneapolis Cncl. Pres. Lee Deliberto (32, $[illegible]). MI7—GOP: Allan Blomquist* (28-55, $271). DEM: ex-st. Sen. Collin Peterson (n/a).

Mondy Pioneer keeps most dollars. > Wellstone will surprise—he wants to defeated. > "Non-Loser" Perpich got still another break when right-wing challenger Grunseth upset popular Vice Auditor Anne Carlson in a low-turnout primary. The polls are even, but that's a better spot than Tim. Gently is used to. > Deliberto "mistakenly" on abortion has been denied by the report he had counsel pro-life while preparing to run for mayor of Minneapolis 11 years ago. Ramstad and the veteran Tim are both strongly pro-choice. > An anonymous letter sent to the state auditor has charged Peterson with corruption and moral turpitude while a legislator. In response, the favored challenger has threatened to make an issue of Stangeland's hundreds of calls to a female lobbyist charged to a government credit card.

MISSISSIPPI

MI3: DEM: Gene Taylor* (41, $128). GOP: Sheila Smith (594).

Gov. Ray Mabus (D) is not wildly popular, but no substantial challenge appears to be blocking his '91 quest for a second term.

MISSOURI

MI6—GOP: Jim Talkington* (39-58, $[illegible]). DEM: Alan Ham (39-47, $[illegible]). MI8—GOP: Bill Emerson* (59-38, $[illegible]). DEM: Russ Carnahan (36-41, [illegible]).

With little money coming in from women's groups, Ham's anti-abortion pro-choice challenge against Carnahan is floundering.

MONTANA

SEN.—DEM: Max Baucus* (13-48-37, $2,443). GOP: Lt. Gov. Allen Kolstad ($[illegible]). MI1—DEM: Pat Williams ($[illegible]). GOP: Brad Johnson ($[illegible]).

Kolstad finally launched the negative ad with MX missile system over the Montana mass. Baucus responded: "I got contacted...they all want with Mrs." Despite his record for balancing budget, the Lieutenant Governor has made surprising strides on Baucus.

NEBRASKA

SEN.—DEM: > James Exon* (28-61-9, $1,[illegible]). GOP: ex-Cong. Hal Daub (28-64, $778). GOV—GOP: Kay Orr* (51-71-72-93, $1,651). DEM: Ben Nelson (51, $[illegible]). MI2—DEM: Peter Hoagland* (48-47, $[illegible]). GOP: Jay Metcalf (44, $[illegible]). MI3—GOP: Hank Sorg, Bill Barrett (63, $[illegible]). DEM: st. Sen. Sandra Scofield (n/a, $125).

Daub's and RNC commercial have got the media much treatment. > Nelson is on the defensive about contributions in part, blaming one in and out campaign issue. Bad against an incumbent long has hurt, against no incumbent, bad. Orr remains vulnerable and a slight underdog. > Scofield shot up to a dead heat with Barrett in a Gallup poll released in early September, blending conservatives voters on issues.

NEVADA

GOV—DEM: Bob Miller*. GOP: Jim Gibbons.

Gibbons has the money; Miller has the votes. > An abortion referendum here will be closely watched on election night.

NEW HAMPSHIRE

SEN.—GOP: MI1 Cong. Bob Smith (24-44-77-102, $772). DEM: ex-U.S. Sen. John Durkin (26-47, $128). GOV—GOP: Judd Gregg*. DEM: ex-st. Chair Joe Grandmaison. MI1—DEM: Joe Keefe (7-93, $135). GOP: Bill Zeller (94-101, [illegible]). MI2—GOP: Chuck Douglas* ([illegible]). DEM: Dick Swett ($[illegible]).

Ex-owner Zeller sold off just enough property to buy the primary. Joe will need a still match on the telegenic Keefe. Democrats may have a prospect here after all.

NEW JERSEY

SEN.—DEM: Bill Bradley* (14-48, $11,[illegible]). GOP: Lolley Bd. Pres. Christine Whitman ($[illegible]). MI3—DEM: Frank Pallone* ($[illegible]). GOP: Paul Mapolitano ([illegible]). MI12—GOP: st. Sen. Dick Zimmer (29-64, [illegible]). DEM: Margaretta Chandler (28-47-47, $[illegible]). MI13—GOP: Jim Saxton* (36-63, $346). DEM: John Adler (51, $197).

Chandler has followed a novel shotgun: Attacking Gov. Florio—the Democ leader of her state party—for his despised tax increase program. The wealthy Republican 12th may yet Chandler as the Democrat with a difference.

SENATE PREDICTIONS: NET SHIFT — DEMOCRATS +1, GOP +2

STATE	WINNER	LOSER	MARGIN (%)	STATE	WINNER	LOSER	MARGIN (%)
AL	Heflin (D)*	Cabaniss (R)	21	NH	Smith (R)	Durkin (D)	6
CO	Brown (R)	Heath (D)	15	NJ	Bradley (D)*	Whitman (R)	31
DE	Biden (D)*	Brady (R)	33	NC+	Gantt (D)	Helms (R)*	3
HI+	Saiki (R)	Akaka (D)*	2	OR	Hatfield (R)*	Lauderdale (D)	8
ID	Craig (R)	Teitelager (D)	11	RI	Pell (D)*	Schneider (R)	7
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

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[illegible] with Warren in late September, [illegible] who were could be close, despite the challenger's [illegible] background — Slaughter is trading [illegible] as well, having the [illegible] son of a legendary and [illegible] parent [illegible].

W A S H I N G T O N

[illegible]—DOP: John Miller* [illegible] 61-37, [illegible]; DEM: King Co. Council, Cynthia Sullivan (51, $1,[illegible]); [illegible]—DEM: Juliana Vinzenzer* (D-47, [illegible]); GOP: ex-st. Rep. Bob Williams (R, $[illegible]).

All candidates for the office concede against each other organizations of party in the September "primary" here, making it a fairly reliable indicator of the November result. And [illegible] of this year's [illegible] magnate Miller is headed for a [illegible].

W I S C O N S I N

[illegible]—DEM: Tom Loftus (1-[illegible]); GOP: Nancy Thompson* (1-[illegible]); [illegible]—DEM: Bob Kasenkopf (R-[illegible]); GOP: Scott Klug (R-[illegible]); [illegible]—GOP: Toby Fiala (17, $[illegible]); DEM: st. Sen. Jerry Van Sistine (D, $[illegible]).

Thompson's lead is to end said site and slow to yield.

W Y O M I N G

GOP—DEM: Mike Sullivan* (4); GOP: Mary Mead; (WAL—GOP: Cindy Hageman* (R-70, $177); DEM: Pete Maxfield (D-[illegible]).

Sullivan has a less than 3-2 favorability rating, but seems likely in command of the more rigorous [illegible] campaign [illegible].

Exhibit #2

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NATIONAL CONSULTANT KEY AND ACCOUNT INFORMATION

The accompanying chart is a compilation of the principal consultants [illegible] "Where the Money Goes" [illegible] of political party [illegible] and [illegible] of the [illegible] in [illegible] [illegible] [illegible]

Exhibit #3

My name is Erin Lea Towns and I live at 1108 Foxworth Court, Manchester, MO 63011. In the summer of 1989, I signed the STOP-PAC! petition in the name of abortion rights. Shortly thereafter, I began to recieve campaign literature from Ms. Joan Kelly Horn, who is the Democratic Candidate for the Second Congressional District. To the best of my knowledge this is the only petition that I have ever signed in my life. Therefore, this is the only way Ms. Horn would have obtained my name.

Erin Lea Towns

Erin Lea Towns

9204090466 4

State of Missouri)
County of St. Louis) SS *On this 23rd day of October, 1990, before me personally appeared ERIN LEA TOWNS, to me known to be the person described above and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.*

In Testimony Whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

My commission expires: October 24, 1991

Robyn M. Delf

Robyn M. Delf *Notary Public*

ROBYN M. DELF
NOTARY PUBLIC STATE OF MISSOURI
ST LOUIS CITY
MY COMMISSION EXP OCT 24, 1991

ROBYN M. DELF NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1990

Mr. Tony Feather
Executive Director
Missouri Republican Party
P.O. Box 73
204 E. Dunklin
Jefferson City, MO 65102

RE: MUR 3157

Dear Mr. Feather:

This letter acknowledges receipt on November 1, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Joan Kelly Horn, Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer, Community Consultants, Inc., James Fay, the University of Missouri at St. Louis and STOP-PAC and Carol Rogers, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3157. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

92040904665

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1990

STOP-PAC and
Carol Rogers, as treasurer
128 Royal Manor Court
St. Louis, MO 63141

RE: MUR 3157

Dear Ms. Rogers:

The Federal Election Commission received a complaint which alleges that STOP-PAC and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3157. Please refer to this number in all future correspondence.

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

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

92040904666

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

92040906667

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1990

Mr. James Fay
Department of Instructional
Technology
University of Missouri at
St. Louis
80001 Natural Bridge
St. Louis, MO 63121

RE: MUR 3157

Dear Mr. Fay:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3157. Please refer to this number in all future correspondence.

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

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

92040904668

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

92040904669

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1990

Community Consultants, Inc.
c/o Joan Kelly Horn,
Registered Agent
8570 Colonial Lane
St. Louis, MO 63124

RE: MUR 3157

Dear Sirs:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3157. Please refer to this number in all future correspondence.

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

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

92040906671

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1990

Ms. Blanche Touhill, Chancellor
University of Missouri
at St. Louis
80001 Natural Bridge
St. Louis, MO 63121

RE: MUR 3157

Dear Ms. Touhill:

The Federal Election Commission received a complaint which alleges that the University of Missouri at St. Louis may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3157. Please refer to this number in all future correspondence.

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

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

92040904672

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

92040904673

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 8, 1990

Joan Kelly Horn for Congress
Committee and
Peter McMillan, as treasurer
1750 S. Brentwood Blvd.
Suite 256
St. Louis, MO 63144

RE: MUR 3157

Dear Mr. McMillan:

The Federal Election Commission received a complaint which alleges that the Joan Kelly Horn for Congress Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3157. Please refer to this number in all future correspondence.

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

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

92040904674

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

cc: Joan Kelly Horn

92040904675

DOC 8699

NACTA

NORTH AREA CABLE TELEVISION AUTHORITY
110 Church Street • Ferguson, Mo. 63135
(314) 521-3571

Facsimile Cover Letter

FAX Number: (314) 553-5294
Telephone Number: (314) 553-6172

Date: 10/16/90

Please deliver this FAX To:

Mr. Michael Marinelli
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

#MUR 3157

This FAX is From: James D. Fay, Chairman of NACTA

Number of pages including this cover is 2.

Comments: I expect you will hear from Adrian soon regarding this case. Thank you.

FEDERAL ELECTION COMMISSION
ACTION DIVISION
90 NOV 20 PM 5:30

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 21 AM 10:38

92040904676

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3157

NAME OF COUNSEL: ADRIAN HERBST

ADDRESS: 4800 NORWEST CENTER
MOSS & BARNETT LAW OFFICES
90 SO. 7TH ST.
Minneapolis, MN. 55402-4119

TELEPHONE:

(ATTORNEY For North Area Cable Television Authority)

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.

11/19/90
Date

Signature

RESPONDENT'S NAME: MR. JAMES FAY

ADDRESS: Dept. of ITC
UM - ST. Louis
8001 NATURAL BRIDGE
ST. LOUIS, MO 63121

HOME PHONE: (618) 797-2600

BUSINESS PHONE: (314) 553-6172

92040904677

00C8732

LAW OFFICES
MOSS & BARNETT
A PROFESSIONAL ASSOCIATION
4800 NORWEST CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MINNESOTA 55402-4119
TELEPHONE (612) 347-0300
TELECOPIER (612) 339-6686

347-0448
WRITER'S DIRECT DIAL NUMBER

November 21, 1990

Mr. Michael Marinelli, Esq.
Federal Election Commission
Washington, DC 20463

RE: JAMES FAY - YOUR FILE MUR3157
OUR FILE 19453.2

Dear Mr. Marinelli:

This letter will confirm the telephone conversation I had with you today regarding the time for response by Mr. Fay. I understand that it is acceptable to you if Mr. Fay's response is mailed to you by November 30, 1990.

Thank you also for the information that you provided to me over the telephone. If additional information regarding this matter will be helpful to us in responding to you, I would appreciate your letting us know. Otherwise, we will certainly be responding to you and mailing the response to you on November 30th.

Very truly yours,

Adrian E. Herbst

651ZKJD

cc: James Fay

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 NOV 26 AM 10:44

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

92040904678

00C8731

PAC

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 NOV 26 AM 10: 45

Jean Berg, Director

People Working to STOP! Government Interference — A Political Action Committee

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

November 20, 1990

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

Dear Mr. Noble, RE: MUR 3157

I am responding to your enquiry dated November 8, 1990, on behalf of Carol Rogers, Treasurer, regarding alleged violations by STOP! PAC. At issue was a charge that STOP! PAC acted on behalf of Joan Kelly Horn, then candidate for the U.S. Congress from Missouri's Second Congressional District.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

STOP! PAC did not at any time provide lists - in any form to this or any other campaign. Therefore the allegations are without basis in fact and we reject them catagorically.

We do not find it necessary to consult legal counsel to make this same declaration.

Very truly yours,

Jean S. Berg

Jean S. Berg, Director

Cynthia J Ernst

CYNTHIA J ERNST
Notary Public-State of Missouri
ST. LOUIS COUNTY
My Commission Expires
June 4, 1994

92040904679

218 Delaware • Suite 107 • Kansas City, MO • 64105 • 816-221-0426

Paid for by STOP! PAC, Carol Rogers, Treasurer.

OGC 8719

Telephone 862-7586
or 752-2600

Community Consultants, Inc.
Surveys • Research • Planning

8570 Colonial Lane
St. Louis, Missouri 63124

November 23, 1990

Laurence Noble, General Counsel
Federal Election Commission
999 E Street, NW
Washington, D. C. 20463

Att'n: Michael Marinelli
Re: MUR 3157

Dear Sirs:

Three of the eight paragraphs in this complaint refer to Community Consultants, Inc. I will address these matters here.

3) The Joan Kelly Horn for Congress committee purchased from Community Consultants, Inc. a computer and printer. The receipts and dates are enclosed.

4) Community Consultants is reimbursed for the personal use of the automobile owned by the company and driven by Joan Kelly Horn. In most years this has been on a 75% company, 25% personal basis. For 1990 our accountant has been instructed to switch this to a 75% personal, 25% company ratio. Any use of this automobile for anything other than company business is counted against this 75% personal allocation.

5) There has been no campaign use made of the office of Community Consultants in the personal residence of Joan Kelly Horn. A campaign office was established early in 1990 for that purpose.

Documents are enclosed as mentioned in #3 above. If you have any questions or require any further documentation, please let me know.

Sincerely,

Joan K Horn

Joan K. Horn, President
Registered Agent

Enclosures

Subscribed and sworn to before me, the date and year first above-written.

Margaret E Allen Notary Public

My commission expires: MARGARET E ALLEN
NOTARY PUBLIC STATE OF MISSOURI
ST LOUIS COUNTY
MY COMMISSION EXP MAR 16,1994

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 23 PM 3:08

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 26 PM 1:30

RECEIVED
90 NOV 26 AM 10:53

92040904680

CUSTOM COMPUTER SERVICES
111 S. Bemiston Suite 213
Clayton, MO 63105
(314) 727-6650

DATE: 01/02/90 Invoice # 3171

JOAN HORN

TERMS: DUE UPON RECEIPT

DATE	Description	Amount Due
12/26/89	Transporting and Setting Up ITT XT Computer System. (1 Hour @ $60.00 Per Hour)	~~60.00~~
01/02/90	DTK Turbo XT Computer (used) - Serial #608051 with:	
	-- 640K RAM	
	-- 1 360K Floppy Drive - Serial #Y7JZ844905	
	-- ST225 Hard Disk Drive formatted to 30 Megabytes - Serial #U9001	
	-- Floppy Controller Card - Serial #8801 1205 CR	
	-- Hard Disk Controller Card - Serial #WS109164948	
	-- Monochraphics Printer Adapter Card - Serial #02606	
	-- Samsong Monochrome Monitor - Serial #SMS900101	
	-- Unitek AT Style Keyboard - Serial #31039	300.00
	Delivery and Setup	~~39.00~~

TOTAL FEE DUE: 300.00 ~~399.00~~

Computer Purchased by Campaign Committee

Date - check # 4/6/90 #1048

A late charge of 1.5% per month is assessed against past due outstanding balances.

9204090468 1

ASC

Automation Services Company, Inc.

145 S. Mount Auburn
Cape Girardeau, MO 63701
(314) 335-5157

2762
INVOICE NO.

INVOICE

DATE 1-5 19 90

SOLD TO: John Kelly Horn
ADDRESS: 1750 S. Brentwood Suite 256
CITY: St. Louis 63144 PHONE NO.

DELIVER TO:
ADDRESS:
CITY: PHONE NO.

PRE-LOADED	PCS.ORD.	SIZE	LENGTH	DESCRIPTION	DEPT.	TOTAL PCS	PRICE	AMOUNT
1				Panasonic 1191				315.00
							tax	19.45
								334.45
				Printer purchased by company in Committee 4/2-1-90 check #1069				
				Thanks				
				Pd 17 Mar 90				

9204090468 2

DELIVERY DATE	SALESMAN	DEL'D BY	STORE NO.

REMARKS:

☐ WILL CALL ☐ CHARGE SALE
☐ SPECIAL ORDER ☐ CUSTOMER REQUEST
☐ DELIVERY ☐ SEE REMARKS

DRIVER COLLECT $

CASHIER VALIDATION

DELIVERY CHGS.	
NET SALE	
SALES TAX	
SUB TOTAL	
CASH DOWN PAYMENT	
BALANCE DUE	
GRAND TOTAL $	

IT IS UNDERSTOOD AND AGREED THAT MERCHANDISE ON THIS ORDER IS THE PROPERTY UNTIL FULLY PAID FOR. MERCHANDISE HELD LONGER THAN 30 DAYS CANNOT BE CANCELLED BY CUSTOMER.

• RECEIVED ABOVE MERCHANDISE IN GOOD CONDITION. •

CUSTOMER'S SIGNATURE X

1068

JOAN KELLY HORN FOR CONGRESS
8570 COLONIAL LANE PH. 314-[illegible]
ST. LOUIS, MO 63124

PAID

4/22 19 90

PAY TO THE ORDER OF Community Consultants Inc $ 988 35

nine hundred eighty-eight & 35/100 DOLLARS

Landmark Bank
10 South Brentwood Boulevard
St. Louis, Missouri 63105

FOR Printer, FAX, supplies

Joan Kelly Horn

⑈001068⑈ ⑆081016932⑆ 051102890?⑈ ⑈0000098835⑈

1048

JOAN KELLY HORN FOR CONGRESS
8570 COLONIAL LANE PH. 314-[illegible]
ST. LOUIS, MO 63124

4/6 19 90

PAY TO THE ORDER OF Community Consultants Inc $ 701 22

seven hundred one & 22/100 DOLLARS

Landmark Bank
10 South Brentwood Boulevard
St. Louis, Missouri 63105

FOR Reimburse for fax & computer

Joan Kelly Horn

⑈001048⑈ ⑆081016932⑆ 051102890?⑈ ⑈0000070122⑈

SCHEDULE B — ITEMIZED DISBURSEMENTS — FOR LINE NUMBER 17

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

NAME OF COMMITTEE (in Full): Joan Kelly Horn for Congress

A. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
AT&T 223 Crestwood Plaza St. Louis, Mo 63119	MONTHLY CHARGE MONTHLY BILL	04/09/90 05/09/90	201.10 113.05

Disbursement for: PRIMARY

B. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Allnet Location 1276 Cincinnati, OH 45274-1276	SERVICE BILL SERVICE FEE LONG DISTANCE PHONE SERVICE	05/05/90 05/24/90 06/26/90	86.63 148.11 258.27

Disbursement for: PRIMARY

C. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Comm. Consultants 8570 Colonial Lane St. Louis, Mo 63124	REIMBURSMENT FOR EXPENSES REIMBURSMENT REIMBURSMENT FOR EXPENSES	04/06/90 04/18/90 04/22/90	781.00 * 307.05 988.35 *

Disbursement for: PRIMARY

D. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Custom Com. Service 111 S. Bemiston St. Louis, Mo 63105	SERVICE BILL	05/05/90	252.50

Disbursement for: PRIMARY

E. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
David Clobessy 4823a Botanical St. Louis, Mo 63110	CONTRACT LABOR	04/06/90	1000.00

Disbursement for: PRIMARY

F. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Factfinders 11960 Westline Industrial Dr. St. Louis, Mo 63043	FOCUS GROUP PAYMENTS	04/30/90	350.00

Disbursement for: PRIMARY

SUBTOTAL of Disbursements This Page ..... $ 4347.05

TOTAL This Period ..... $

92040907984

OGC 8798

LAW OFFICES

ROSENBLUM, GOLDENHERSH, SILVERSTEIN & ZAFFT, P.C.

FOURTH FLOOR
7733 FORSYTH BOULEVARD
ST. LOUIS, MISSOURI 63105-1817
(314) 726 6868
FACSIMILE (314) 726-6786

STANLEY M. ROSENBLUM
ROBERT S. GOLDENHERSH
MERLE L. SILVERSTEIN
GENE M. ZAFFT
CARL C. LANG
RICHARD S. BENDER
MICHAEL A. MARKENSON
DAVID V. CAPES
MARK E. GOODMAN
PATRICIA D. GRAY
JAY A. NATHANSON
PAMELA D. PERDUE
ROBERT E. QUICKSILVER
RICHARD E. GREENBERG
BENNETT S. KELLER

ROGER M. HERMAN
LISA R. PERRY
DONN H. HERRING, JR
THOMAS A. DUDA
ADAM E. MILLER
PAUL G. KLUG

November 29, 1990

90 NOV 30 AM 10: 36

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 30 AM 12: 40

92040904685

FEDERAL EXPRESS

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

Attn: Michael Marinelli

Your Reference: MUR3157

Re: Complaint by Tony Feather Executive Director of Missouri Republican Party against Joan Kelly Horn for Congress Committee and Peter McMillan, as Treasurer
1750 S. Brentwood Boulevard
Suite 256
St. Louis, Missouri 63144

Dear Mr. Marinelli:

On November 15, 1990, the Joan Kelly Horn for Congress Committee ("Committee") received your letter of November 8, 1990, containing the referenced complaint ("Complaint"). Per our telephone conversation, our response is due by November 30, 1990.

On behalf of the Committee, the following information is submitted, which demonstrates that no action should be taken against the Committee on any allegation in the Complaint.

1. The Greenberg Lake Analysis Group, Inc. poll was conducted on behalf of the Committee, paid for and appears on the Committee's amended report dated October 31, 1990, for the quarter ended July 15, 1990, a copy of which is attached, together with copies of the cancelled checks.

2. The Committee at no time requested, received or to its knowledge used names from the initiative petition circulated by Stop-Pac. Individuals, however, did provide the Committee with names of their friends who they felt would support Joan Horn's candidacy, but no list of names to the Committee's knowledge was ever provided by Judi Widdicomb or Jean Berg, the Stop-Pac organizers or anyone on their behalf.

3. The Joan Kelly Horn for Congress Committee purchased from Community Consultants, Inc. a computer and printer. The receipts and dates were furnished you by letter from Community Consultants, Inc. dated November 23, 1990, as well as checks reimbursing the company for supplies. All such expenses have been reported on the Committee's quarterly reports, a copy of which is enclosed.

4. The allegation as to use of the corporate automobile was answered in Community Consultants, Inc.'s letter dated November 23, 1990, a copy of which is enclosed.

5. The Committee made no use of the office of Community Consultants or the personal residence of Joan Kelly Horn. This fact is confirmed in the correspondence from Community Consultants referred to in Paragraphs 3 and 4 hereof.

6. The media piece, Accent on Aging, was in no way related to Joan Horn's campaign. An interview with Joan Horn which comprises this piece had no connection with her campaign. The university will be furnishing a response. The Committee is informed and believes that Mr. James Fay's production of this piece was independent of the University of Missouri at St. Louis (UMSL).

7. The Committee is unaware of any work done by UMSL staff members for the Committee during their salaried time.

8. The Committee has timely filed all its FEC reports and has receipts to substantiate same. Copies of all reports were filed concurrently with the Secretary of State in Jefferson City, Missouri.

9 2 0 4 0 9 0 4 6 8 6

If you have any questions or want further information or documentation, please contact the undersigned.

Very truly yours,

Patricia D. Gray

Patricia D. Gray,
Attorney for Joan Kelly Horn
for Congress Committee and
Peter McMillan, Treasurer

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

Affidavit

The undersigned this 29th day of NOVEMBER, 1990, being duly sworn, deposes and states that he has read the foregoing response to the Federal Election Commission and the facts contained therein are true and correct to the best of his knowledge and belief.

Peter McMillan, Treasurer
Joan Kelly Horn for Congress
Committee

Subscribed and sworn to before me, a Notary Public, this 29th day of November, 1990.

Patricia D. Gray
Notary Public

My Commission Expires:_____

PATRICIA D. GRAY
NOTARY PUBLIC - STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXPIRES MAR. 12, 1994

PDG/rf
Enclosures
cc: Joan Kelly Horn
cc: Peter McMillan
90859LE

92040904687

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3157

NAME OF COUNSEL: Patricia D. Gray

ADDRESS: 7733 Forsyth
Suite 400
St. Louis, Missouri 63105

TELEPHONE: 314-726-6868

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.

11/29/90
Date

Signature

RESPONDENT'S NAME: Peter McMillan, Treasurer

ADDRESS: 1750 S. Brentwood Blvd.
Suite 256
St. Louis, Missouri 63144

Home Address:
527 East Drive
St. Louis, MO 63130

HOME PHONE: 314-863-6897

BUSINESS PHONE:

9204090468 8

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee
(Summary Page)

1. NAME OF COMMITTEE (in full): Joan Kelly Horn for Congress

132039

ADDRESS (number and street) ☐ Check if different than previously reported.: 1750 S. Brentwood Suite 256

2. FEC IDENTIFICATION NUMBER: C00238493

CITY, STATE and ZIP CODE: St. Louis, MO 63144

STATE/DISTRICT: MO/02

3. IS THIS REPORT AN AMENDMENT? ☒ YES ☐ NO

4. TYPE OF REPORT

- ☐ 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)
- ☐ 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 _____
- ☐ Termination Report

This report contains activity for: ☒ Primary Election ☐ General Election ☐ Special Election ☐ Runoff Election

SUMMARY

		COLUMN A This Period	COLUMN B Calendar Year to Date
5.	Covering Period 4/1/90 through 6/30/90		
6.	Net Contributions (other than loans)		
	(a) Total Contributions (other than loans) (from Line 11(d))	47,874.60	67,673.80
	(b) Total Contribution Refunds (from Line 20(d))	—	—
	(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	47,874.60	67,673.80
7.	Net Operating Expenditures		
	(a) Total Operating Expenditures (from Line 17)	64,447.41	75,077.50
	(b) Total Offsets to Operating Expenditures (from Line 14)	—	—
	(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	64,447.41	75,077.50
8.	Cash on Hand at Close of Reporting Period (from Line 27)	68,532.68	
9.	Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	—	
10.	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	18,000.00	

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

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

Type or Print Name of Treasurer: PETER A. M'MILLAN

Signature of Treasurer: Peter A. M'Millan

Date: 10/24/90

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

FEC FORM 3 (revised 4/87)

9204001689

Qtr 2 6/30/90

DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3)

Name of Committee (in full): Joan Kelly Horn for Congress

Report Covering the Period: From: 4/1/90 To: 6/30/90

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	8,963.00	
(ii) Unitemized	2,185.50	
(iii) Total of contributions from individuals	11,148.50	31,258.50
(b) Political Party Committees	576.10	1,016.10
(c) Other Political Committees (such as PACs)	25,150.00	35,750.00
(d) The Candidate	—	—
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	37,874.60	67,024.60
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	—	—
13. LOANS:		
(a) Made or Guaranteed by the Candidate	—	4,000.00
(b) All Other Loans	—	—
(c) TOTAL LOANS (add 13(a) and (b))	—	4,000.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	—	—
15. OTHER RECEIPTS (Dividends, Interest, etc.)	830.98	1,689.44
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	48,705.58	78,363.24
II. DISBURSEMENTS		
17. OPERATING EXPENDITURES	59,447.41	70,077.50
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	—	—
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate	5000.00	5000.00
(b) Of All Other Loans	—	—
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	5000.00	5000.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))		
21. OTHER DISBURSEMENTS		
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	64,447.41	75,077.50

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	$ 84,274.51
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	$ 48,705.58
25. SUBTOTAL (add Line 23 and Line 24)	$ 132,980.09
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	$ 64,447.41
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	$ 68,532.68

92040904690

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purposes, other than using name & addr. of a political comm. to solicit from the comm.

NAME OF COMMITTEE (in Full): Joan Kelly Horn for Congress

A. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
AT&T 221 Crestwood Plaza St. Louis, Mo 63119	MONTHLY CHARGE MONTHLY BILL	04/09/90 05/09/90	201.10 113.05

Disbursement for: PRIMARY

B. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Alltel Location 1275 Cincinnati, OH 45274-1275	SERVICE BILL SERVICE FEE LONG DISTANCE PHONE SERVICE	05/05/90 05/24/90 05/25/90	25.63 145.11 250.27

Disbursement for: PRIMARY

C. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Comm. Consultants 2570 Colonial Lane St. Louis, Mo 63124	REIMBURSMENT FOR EXPENSES REIMBURSMENT REIMBURSMENT FOR EXPENSES	04/06/90 04/16/90 04/02/90	701.00 207.05 [illegible]

Disbursement for: PRIMARY

D. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Custom Com. Service 111 S. Bamiston St. Louis, Mo 63105	SERVICE BILL	05/05/90	232.50

Disbursement for: PRIMARY

E. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
David Clobesey 4822a Botanical St. Louis, Mo 63110	CONTRACT LABOR	04/05/90	1000.00

Disbursement for: PRIMARY

F. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Factfinders 11960 Westline Industrial Dr. St. Louis, Mo 63043	FOCUS GROUP PAYMENTS	04/30/90	350.00

Disbursement for: PRIMARY

SUBTOTAL of Disbursements This Page ..... $ 4347.05

TOTAL This Period ..... $

9 2 0 4 0 9 0 4 5 0 1

SCHEDULE B — ITEMIZED DISBURSEMENTS — FOR LINE NUMBER 17

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

NAME OF COMMITTEE (in Full): Joan Kelly Horn for Congress

A. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
SAW Printing	PRINTING SERVICES	04/02/90	160.45
9365 Gravois Ave.	PRINTING	04/18/90	271.67
St. Louis, Mo 63123			

Disbursement for: PRIMARY

B. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Greenberg & Lake	CONSULTING FEE	04/10/90	3000.00
515 2nd St., N.E.	CONSULTING FEE	05/01/90	4750.00
Washington D.C., 20002	TAXI EXPENSES	05/24/90	18.05

Disbursement for: PRIMARY

C. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Joan Kelly Horn	PARTIAL LOAN REPAYMENT	04/10/90	2000.00
8570 Colonial Lane	EXPENSE REIMBURSMENT	04/10/90	438.71
S t. Louis, Mo 63124	DC TRIP CASH	04/22/90	200.00

Disbursement for: PRIMARY

D. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Joan Kelly Horn	PARTIAL LOAN REPAYMENT	05/01/90	1000.00
8570 Colonial Lane	PARTIAL LOAN REPAYMENT	05/14/90	1000.00
S t. Louis, Mo 63124	PARTIAL LOAN REPAYMENT	05/05/90	1000.00

Disbursement for: PRIMARY

E. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Michael Martin	CONTRACT LABOR	04/03/90	1500.00
3460 Oakhill Ave. Apt. 304	1/2 APRIL FEE	04/19/90	1500.00
St. Louis, Mo 63116	CONTRACT LABOR	05/03/90	1500.00

Disbursement for: PRIMARY

F. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Michael Martin	CONTRACT LABOR	05/09/90	3000.00
3460 Oakhill Ave. Apt. 304	TRAVEL EXPENSES	05/09/90	520.00
St. Louis, Mo 63116	EXPENSES	05/09/90	188.19

Disbursement for: PRIMARY

SUBTOTAL of Disbursements This Page ..... $ 21775.02

TOTAL This Period ..... $

9 2 0 4 0 4 6 9 2

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

NAME OF COMMITTEE (in Full): Joan Kelly Horn for Congress

A. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Maggie O'Brien 2000 Market St. St. Louis, Mo 63103	5\23\90 EVENT	05/24/90	1166.00

Disbursement for: PRIMARY

B. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Marr Printing 1516 Saint Louis Dr. St. Louis, MO 63106	NEWSLETTER PRINTING PRINTING	05/11/90 05/15/90	150.00 152.94

Disbursement for: PRIMARY

C. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Nordlinger & Assoc. 1620 Eye St., N.W. Washington D.C., 20006	CONSULTING FEE CONSULTING FEE	04/18/90 05/01/90	2000.00 2000.00

Disbursement for: PRIMARY

D. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Todd Patterson 665 Clara #704 St. Louis, Mo 63122	1\2 JUNE CONTRACT LABOR	05/08/90	1000.00

Disbursement for: PRIMARY

E. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Peace Inst. Printing 4436 Olive St. Louis, Mo 63108	PRINTING 5\23 EVENT INVITATIONS PRINTING FOR 5\23 EVENT	04/18/90 05/05/90 05/08/90	100.60 287.16 181.50

Disbursement for: PRIMARY

F. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Peace Inst. Printing 4436 Olive St. Louis, Mo 63108	BROCHURE PRINTING KDUSKY INVITES	05/08/90 05/12/90	5240.57 1429.99

Disbursement for: PRIMARY

SUBTOTAL of Disbursements This Page ..... $ 13768.66

TOTAL This Period ..... $

92040906993

SCHEDULE B — ITEMIZED DISBURSEMENTS — FOR LINE NUMBER 17

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purposes, other than using name & addr. of a political comm. to solicit from the comm.

NAME OF COMMITTEE (in Full): Joan Kelly Horn for Congress

A. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
U.S. Postmaster	POSTAL SUPPLIES	05/03/90	125.00
1700 Market St. room 1011	POSTAGE EXPENSES	05/08/90	100.00
St. Louis, Mo 63155	POSTAGE SUPPLIES	05/17/90	200.00

Disbursement for: PRIMARY

B. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
U.S. Postmaster	BULK MAIL DEPOSIT	06/07/90	1500.00
1700 Market St. room 1011	POSTAL SUPPLIES	06/07/90	750.00
St. Louis, Mo 63155			

Disbursement for: PRIMARY

C. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
S.W.B.T	DEPOSIT	04/09/90	350.62
P.O. Box 260219	DEPOSIT	04/18/90	115.00
St. Louis, Mo 63126	ENVOICE	04/18/90	350.62

Disbursement for: PRIMARY

D. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE

QUDT

92040*04694

SCHEDULE B — ITEMIZED DISBURSEMENTS — FOR LINE NUMBER 17

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

NAME OF COMMITTEE (in Full): Joan Kelly Horn for Congress

A. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
U.S. Postmaster	POSTAL SUPPLIES	05/03/90	125.00
1700 Market St. room 1011	POSTAGE EXPENSES	05/08/90	100.00
St. Louis, Mo 63155	POSTAGE SUPPLIES	05/17/90	200.00

Disbursement for: PRIMARY

B. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
U.S. Postmaster	BULK MAIL DEPOSIT	05/07/90	1600.00
1700 Market St. room 1011	POSTAL SUPPLIES	05/07/90	735.00
St. Louis, Mo 63155			

Disbursement for: PRIMARY

C. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
S.W.B.T	DEPOSIT	04/09/90	200.62
P.O. Box 260219	DEPOSIT	04/10/90	115.00
St. Louis, Mo 63126	ENVOICE	04/10/90	350.52

Disbursement for: PRIMARY

D. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
S.W.B.T	MONTHLY BILL	05/24/90	74.50
P.O. Box 260219	MONTHLY FEE	05/25/90	200.04
St. Louis, Mo 63126			

Disbursement for: PRIMARY

E. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Susan Sperry	CONSULTING SERVICES	04/03/90	3500.00
7742 Delmar	CONTRACT LABOR	04/30/90	2000.00
St. Louis, Mo 63130	CONTRACT LABOR	05/04/90	2000.00

Disbursement for: PRIMARY

F. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Kim Scott	CONSULTING FEE	04/03/90	1250.00
189 12th Street, S.E.	CONSULTING FEE	04/27/90	1250.00
Washington D.C., 20003	CONTRACT LABOR	05/05/90	1250.00

Disbursement for: PRIMARY

SUBTOTAL of Disbursements This Page ..... $ 15115.78

TOTAL This Period ..... $

92040904695

SCHEDULE B — ITEMIZED DISBURSEMENTS — FOR LINE NUMBER 17

Any info. copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contrib. or for commercial purpose, other than using name & addr. of a political comm. to solicit from the comm.

NAME OF COMMITTEE (in Full): Joan Kelly Horn for Congress

A. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Kim Scott 129 18th Street, S.E. Washington D.C., 20003	CONSULTING FEE	05/08/90	2500.00

Disbursement for: PRIMARY

B. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Mark Stroker	CONTRACT LABOR	04/19/90	250.00
327 Holiday	CONTRACT LABOR	05/11/90	500.00
St. Louis, Mo 63042	CONTRACT LABOR	05/08/90	500.00

Disbursement for: PRIMARY

C. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
University Club 1034 S. Brentwood Blvd. St. Louis, Mo 63144	BREAKFAST ROOM	04/03/90	684.35

Disbursement for: PRIMARY

D. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
Visa (Chase)	SUPPIES	04/09/90	543.85
P.O. Box 15507	OFFICE SUPPLIES, PRINTING	05/09/90	676.04
Wilmington, DE 19886-1321	SUPPLIES	05/05/90	129.33

Disbursement for: PRIMARY

E. FULL NAME, ADDRESS, ZIP	PURPOSE OF DISBURSEMENT	DATE	AMOUNT
White Managment	APRIL RENT	04/30/90	725.00
940 West Port Plaza	RENT FEE	05/21/90	1450.00
St. Louis, Mo 63146			

Disbursement for: PRIMARY

SUBTOTAL of Disbursements This Page ..... $ 8308.58

TOTAL This Period ..... $ 62255.30

9204090469 6

JOAN KELLY HORN FOR CONGRESS
[illegible] COLONIAL LANE PH. [illegible]
ST. LOUIS, MO [illegible]

5/1

Greenberg Fake

thousand seven hundred fifty & [illegible]/00

Landmark Bank
[illegible]

1 0 7 5 0 0 1 6 2 1

Reference on file

Joan Kelly Horn

⑈001073⑈ ⑆081016932⑆ 051102890⑈ ⑈0000047500⑈

JOAN KELLY HORN FOR CONGRESS
[illegible] COLONIAL LANE PH. [illegible]
ST. LOUIS, MO [illegible]

4/10

Greenberg Fake

[illegible] & [illegible]/100

Landmark Bank
[illegible]

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Joan Kelly Horn

⑈001054⑈ ⑆081016932⑆ 051102890⑈ ⑈0000000000⑈

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14

K26

E30L06367

NOTICE OF RECEIPT

This is to acknowledge receipt of the document(s) listed below, filed pursuant to the provisions of the Federal Election Campaign Act, as amended.

132059 IS YOUR IDENTIFICATION NUMBER.
PLEASE USE IT ON ALL CORRESPONDENCE
AND REPORTS SUBMITTED TO THIS OFFICE.

TYPE OF DOCUMENT	DATE
JANUARY 31ST REPORT	02-09-90
JANUARY 31ST REPORT	03-01-90

Office of the Clerk
Office of Records and Registration
U.S. House of Representatives
Washington, DC 20515-6612

JOAN KELLY HORN FOR CONGRESS.
PETER A. MCMILLAN, TREAS.
4570 COLONIAL LANE
ST. LOUIS, MO 63124

NOTICE OF RECEIPT

This is to acknowledge receipt of the document(s) listed below, filed pursuant to the provisions of the Federal Election Campaign Act, as amended.

[illegible] IS YOUR IDENTIFICATION NUMBER.
PLEASE USE IT ON ALL CORRESPONDENCE
AND REPORTS SUBMITTED TO THIS OFFICE.

TYPE OF DOCUMENT	DATE
[illegible]	02-20-90
JANUARY [illegible] REPORT	02-06-90

Office of the Clerk
Office of Records and Registration
U.S. House of Representatives
Washington, DC 20515-6612

JOAN KELLY HORN FOR CONGRESS.
PETER A. MCMILLAN, TREAS.
4570 COLONIAL LANE
ST. LOUIS, MO 63124

92040907007

NOTICE OF RECEIPT

This is to acknowledge receipt of the document listed below, filed pursuant to the provisions of the Ethics in Government Act of 1978, as amended.

TYPE OF DOCUMENT	DATE
REPORT AMENDMENT	12-12-89

Office of the Clerk
Office of Records and Registration
U.S. House of Representatives
Washington, DC 20515-6612

CC
JOAN KELLY HORN
6570 COLONIAL LANE
ST. LOUIS
MO 63124

NOTICE OF RECEIPT

This is to acknowledge receipt of the document listed below, filed pursuant to the provisions of the Ethics in Government Act of 1978, as amended.

TYPE OF DOCUMENT	DATE
ORIGINAL	05-18-90

Office of the Clerk
Office of Records and Registration
U.S. House of Representatives
Washington, DC 20515-6612

CC
JOAN KELLY HORN
6570 COLONIAL LANE
ST. LOUIS
MO 63124

92040904701

NOTICE OF RECEIPT

This is to acknowledge receipt of the document(s) listed below, filed pursuant to the provisions of the Federal Election Campaign Act, as amended.

132039 IS YOUR IDENTIFICATION NUMBER.
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AND REPORTS SUBMITTED TO THIS OFFICE.

TYPE OF DOCUMENT	DATE
APRIL 15TH REPORT	04-19-90
APRIL 15TH REPORT	04-18-90

Office of the Clerk
Office of Records and Registration
U.S. House of Representatives
Washington, DC 20515-6612

JOAN KELLY HORN FOR CONGRESS
PETER A. MCMILLAN, TREAS.
1750 S. BRENTWOOD, SUITE 256
ST. LOUIS, MO 63124

NOTICE OF RECEIPT

This is to acknowledge receipt of the document(s) listed below, filed pursuant to the provisions of the Federal Election Campaign Act, as amended.

132039 IS YOUR IDENTIFICATION NUMBER.
PLEASE USE IT ON ALL CORRESPONDENCE
AND REPORTS SUBMITTED TO THIS OFFICE.

TYPE OF DOCUMENT	DATE
APRIL 15TH REPORT	04-19-90

Office of the Clerk
Office of Records and Registration
U.S. House of Representatives
Washington, DC 20515-6612

JOAN KELLY HORN FOR CONGRESS
PETER A. MCMILLAN, TREAS.
1750 S. BRENTWOOD, SUITE 256
ST. LOUIS, MO 63124

92040904702

Telephone 862-7586
or 752-2600

Community Consultants, Inc.
Surveys • Research • Planning

8570 Colonial Lane
St Louis, Missouri 63124

November 23, 1990

Laurence Noble, General Counsel
Federal Election Commission
999 E Street, NW
Washington, D. C. 20463

Att'n: Michael Marinelli
Re: MUR 3137

Dear Sirs:

Three of the eight paragraphs in this complaint refer to Community Consultants, Inc. I will address these matters here.

3) The Joan Kelly Horn for Congress committee purchased from Community Consultants, Inc. a computer and printer. The receipts and dates are enclosed.

4) Community Consultants is reimbursed for the personal use of the automobile owned by the company and driven by Joan Kelly Horn. In most years this has been on a 75% company, 25% personal basis. For 1990 our accountant has been instructed to switch this to a 75% personal, 25% company ratio. Any use of this automobile for anything other than company business is counted against this 75% personal allocation.

5) There has been no campaign use made of the office of Community Consultants in the personal residence of Joan Kelly Horn. A campaign office was established early in 1990 for that purpose.

Documents are enclosed as mentioned in #3 above. If you have any questions or require any further documentation, please let me know.

Sincerely,

Joan K. Horn, President
Registered Agent

Enclosures

Subscribed and sworn to before me, the date and year first above-written.

_____ Notary Public

My commission expires: _____

9204090470 3

CUSTOM COMPUTER SERVICES
111 S. Bemiston Suite 213
Clayton, MO 63105
(314) 727-6650

DATE: 01/02/90 Invoice # 3171

JOHN HORN

TERMS: DUE UPON RECEIPT

DATE	Description	Amount Due
12/26/89	Transporting and Setting Up ITT XT Computer System. (1 Hour @ $60.00 Per Hour)	~~60.00~~
01/02/90	DTK Turbo XT Computer (used) - Serial #608051 with:	
	-- 640K RAM	
	-- 1 360K Floppy Drive - Serial #Y7JZ844905	
	-- ST225 Hard Disk Drive formatted to 30 Megabytes - Serial #09001	
	-- Floppy Controller Card - Serial #8801 1205 CR	
	-- Hard Disk Controller Card - Serial #WS109164948	
	-- Monochraphics Printer Adapter Card - Serial #02606	
	-- Samsong Monochrome Monitor - Serial #SMS900101	
	-- Unitek AT Style Keyboard - Serial #31039	
	Delivery and Setup	300.00 ~~60.00~~
	TOTAL FEE DUE:	300.00 ~~360.00~~

Computer Purchase by Campaign Committee

4/6/90
#1048

A late charge of 1.5% per month is assessed against past due outstanding balances.

9204090470 4

ASC

Automation Services Company, Inc.

145 S. Mount Auburn
Cape Girardeau, MO 63701
(314) 335-5157

2762
INVOICE NO.

INVOICE

DATE 1-5 19 90

SOLD TO: Joan Kelly Horn DELIVER TO:
ADDRESS: 1750 S. Brentwood Suite 256 ADDRESS:
CITY: St. Louis 63144 PHONE NO. CITY: PHONE NO.

REMARKS	COLOR	SIZE	LENGTH	DESCRIPTION	DEPT.	TOTAL PIECE	PRICE	AMOUNT
1				Panasonic 1191				315.00
							tax	19.44
								334.44
				Printer purchased by Computer Commitee 11-7-90 check #1069				
				Thanks, Pd 11-14-90				

9204090470 5

DELIVERY DATE	SALESMAN	DEL'D BY	STORE NO

REMARKS:

☐ WILL CALL ☐ CHARGE SALE
☐ SPECIAL ORDER ☐ CUSTOMER REQUEST
☐ DELIVERY ☐ SEE REMARKS

DRIVER COLLECT $

CASHIER VALIDATION

DELIVERY CHGS.	
NET SALE	
SALES TAX	
SUB TOTAL	
CASH DOWN PAYMENT	
BALANCE DUE	
GRAND TOTAL $	

IT IS UNDERSTOOD AND AGREED THAT MERCHANDISE ON THIS ORDER IS THE PROPERTY UNTIL FULLY PAID FOR. MERCHANDISE HELD LONGER THAN 30 DAYS CANNOT BE CANCELLED BY CUSTOMER.

• RECEIVED ABOVE MERCHANDISE IN GOOD CONDITION. •

CUSTOMER'S SIGNATURE X

STATE OF MISSOURI
OFFICE OF SECRETARY OF STATE
JEFFERSON CITY 65102

ROY D. BLUNT
SECRETARY OF STATE

314/751- 2460

June 1, 1990

Joan Kelly Horn
8570 Colonial Lane
St. Louis, MO 63124

Gayla Thomas
Director
Campaign Reporting

9 2 0 4 0 9 0 4 7 0 7

This will acknowledge receipt of the following for a

☒ Candidate, or

☐ Committee

☐ Registration Form and Statement of Organization

☐ April 15 Report

☐ July 15 Report

☐ October 15 Report

☐ Annual Report

☐ 12 day Before _____ Report

☐ 30 Day After _____ Report

☐ Amended Report

☐ Termination Report

☐ Alternative Monthly Report

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

☒ Other Financial Disclosure Statement

The above report(s) have been received and filed in this office.

Sincerely,

ROY D. BLUNT
Secretary of State

Terry Ann DeLong
Federal Reports Specialist

STATE OF MISSOURI

OFFICE OF SECRETARY OF STATE

ROY D. BLUNT
SECRETARY OF STATE

JEFFERSON CITY 65102

314/751. 2460

May 2, 1990

Peter A. McMillan, Treasurer
JOAN KELLY HORN FOR CONGRESS
1750 S. Brentwood, Suite 256
St. Louis, MO 63144

Gayla Thomas
Director
Campaign Reporting

This will acknowledge receipt of the following for a

☒ Candidate, or

☐ Committee

☐ Registration Form and Statement of Organization

☒ April 15 Report

☐ July 15 Report

☐ October 15 Report

☐ Annual Report

☐ 12 day Before _____ Report

☐ 30 Day After _____ Report

☐ Amended Report

☐ Termination Report

☐ Alternative Monthly Report

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

☐ Other _____

The above report(s) have been received and filed in this office.

Sincerely,

ROY D. BLUNT
Secretary of State

Terry Ann DeLong
Federal Reports Specialist

9704090408

STATE OF MISSOURI
OFFICE OF SECRETARY OF STATE

ROY D. BLUNT
SECRETARY OF STATE

JEFFERSON CITY 65102

314-751-2460

February 27, 1990

Treasurer
Joan Kelly Horn for Congress
8570 Colonial Lane
St. Louis, MO 63124

Gayle Thomas
Director
Campaign Reporting

9204090047709

This will acknowledge receipt of the following for a

☐ Candidate, or

☒ Committee

☐ Registration Form and Statement of Organization

☐ April 15 Report

☐ July 15 Report

☐ October 15 Report

☒ Annual Report

☐ 12 day Before _____ Report

☐ 30 Day After _____ Report

☐ Amended Report

☐ Termination Report

☐ Alternative Monthly Report

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

☐ Other _____

The above report(s) have been received and filed in this office.

Sincerely,

ROY D. BLUNT
Secretary of State

Terry Ann DeLong
Federal Reports

4710

WARNING: Complete Items 1 and 2 when additional services are required, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available: consult postmaster for fees and check boxes for additional services requested.

1. ☐ Show to whom delivered, date, and address of delivery. (Extra charge)
2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Div. of Campaign Reporting
Secy of State Office
PO Box 1370
Jefferson City MO
65101

4. Article Number: P 579-507-511

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

JEFFERSON CITY, MO
FEB 1 1990

PS Form 3811, Mar. 1987 ★ G.P.O.: 1987-179-429 U.S. GPO: 1987-179-429 DOMESTIC RETURN RECEIPT

University of Missouri System
COLUMBIA - KANSAS CITY - ROLLA - ST. LOUIS

RECEIVED
FEDERAL ELECTION COMMISSION
90 DEC -3 PM 12:27

227 University Hall
Columbia, Mo. 65211

OFFICE OF THE GENERAL COUNSEL

Telephone
314-882-3211
Fax Number
[314] 882-0050

November 29, 1990

Mr. Michael Marinelli, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3157

Dear Mr. Marinelli:

This will confirm receipt on November 15, 1990 of the letter from Lois G. Lerner, Esq. to Dr. Blanche Touhill, Interim Chancellor of the University of Missouri-St. Louis.

The undersigned attorney will be representing the University of Missouri-St. Louis in connection with this matter. An executed copy of the Statement of Designation of Counsel is enclosed.

On behalf of the University of Missouri-St. Louis, I hereby respectfully request an extension of time to respond to the allegations of the complaint related to the University of Missouri-St. Louis. Those allegations, Items 6 and 7 of the complaint, require investigation by the University, including discussions with a substantial number of its employees, before the University can respond in a reasonable manner to the factual and legal issues raised. Therefore, I request that the University of Missouri-St. Louis be granted an additional fifteen (15) days to respond, making such response due on or before December 15, 1990.

Sincerely yours,

Phillip J. Hoskins

PHILLIP J. HOSKINS
Counsel

PJH/sgw
cc: Interim Chancellor Blanche M. Touhill

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 DEC -4 AM 10:57

92040904711

STATEMENT OF DESIGNATION OF COUNSEL

MOR 3137

NAME OF COUNSEL: Phillip J. Hoskins
Office of the General Counsel

ADDRESS: University of Missouri System
227 University Hall
Columbia, MO 65211

TELEPHONE: (314) 882-3211

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.

11-29-90
Date

Blanche M. Touhill
Signature
Blanche M. Touhill
Interim Chancellor

RESPONDENT'S NAME: University of Missouri-St. Louis

ADDRESS: 8001 Natural Bridge Road
St. Louis, MO 63121
ATTN: Chancellor's Office

HOME PHONE:

BUSINESS PHONE: (314) 553-5252

9204090471 2

OOC 8824

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC -3 PM 3:44

LAW OFFICES

MOSS & BARNETT

A PROFESSIONAL ASSOCIATION

4800 NORWEST CENTER

90 SOUTH SEVENTH STREET

MINNEAPOLIS, MINNESOTA 55402-4119

TELEPHONE (612) 347-0300

TELECOPIER (612) 339-6686

347-0448

WRITER'S DIRECT DIAL NUMBER

November 29, 1990

Mr. Michael Marinelli, Esq.
Federal Election Commission
999 East St. NW
Washington, DC 20463

VIA FEDERAL EXPRESS

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 DEC -4 AM 10:53

RE: YOUR FILE MUR--3157
OUR FILE 19453.2

Dear Mr. Marinelli:

This letter will attempt to address the participation of the North Ar[illegible] Cable Television Authority, the North Area Community Access Board ("NACAB") and Mr. Jim Fay in the production of "Active Aging", a community acce[illegible] program in which Ms. Joan Kelly Horn appeared as a guest.

COMPLAINT

Mr. Tony Feather, executive director of the Missouri Republican Party, in a letter dated October 25, 1990, addressed to Mr. Lawrence Noble, general counsel of the Federal Election Commission, alleges that:

6) The University of Missouri at St. Louis (UMSL) is a not-for-profit institution and is prohibited by federal law from using its resources on behalf of candidates for federal office. The University's media department has been used to produce a piece for Horn's campaign, called Accent on Aging. It was produced by Mr. James Fay. Nowhere in Ms. Horn's FEC reports is either Mr. Fay paid or is the university reimbursed for such media production.

7) At the same university, staff members do work on political affairs during their salaried time. While not a violation of Missouri state law, such use is a violation of federal campaign and tax law. The Missouri republican party can and will inform the Federal Election Commission of the names, if requested.

9 2 0 4 0 9 0 4 7 1 3

COMMUNITY ACCESS PROGRAMMING

The North Area Cable Television Authority and NACAB were created pursuant to Section 611 of the Cable Communications Policy Act of 1984 (47 U.S.C. § 531) (hereinafter referred to as the "Cable Act"). Section 611 of the Cable Act provides that:

> (a) A franchising authority may establish requirements in a franchise with respect to the designation or use of channel capacity for public, educational, or governmental use . . . .
>
> * * *
>
> (e) . . . a cable operator shall not exercise any editorial control over any public, educational, or governmental use of channel capacity provided pursuant to this section.

The access production facilities for the NACAB, through an agreement with American Cablevision, Inc. (the local cable operator), can be found in three (3) separate locations, including Ferguson, Missouri, and the University of Missouri-Saint Louis ("UM-St. Louis"). This arrangement is not uncommon; in fact, throughout the country, many larger municipalities take advantage of several access facilities to meet the demand for production equipment and studio space. In particular, it is not uncommon for municipalities to utilize university and/or public school facilities in combination with their own access services to provide readily-accessible, state-of-the-art facilities for access users.

The NACAB has, in the past, produced a variety of access programs at all three (3) of its access facilities. These programs are "community access programs produced by the NACAB" and are labeled accordingly.

ACTIVE AGING

Active Aging is <u>not</u> a UM-St. Louis production. It is a "community access program produced by NACAB", as indicated in the program's credits. The program is produced on a regular basis by the NACAB to provide current information regarding various community services and other topics of interest to senior citizens. The particular Active Aging program, which is the subject of this complaint, was the first of an ongoing NACAB series and was produced for its value to area senior citizens. This particular Active Aging program offered names, telephone numbers, and other information regarding senior citizen transportation, housing, entertainment, health care, and other related senior citizen services. Ms. Joan Kelly Horn appeared on the program as a guest and, other than her introduction as a legally-qualified candidate, no solicitation for votes, campaign contributions, phone number listings, or other information advertising her as a candidate were made. In addition, no references were made to Representative Buechner or his campaign.

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MR. JIM FAY'S INVOLVEMENT

Mr. Jim Fay is a salaried employee of the University of Missouri. Mr. Fay's job responsibilities do not require him to maintain a 8:00 a.m. - 5:00 p.m., Monday through Friday, schedule. Mr. Fay is also the chairman and a member of the North Area Cable Television Authority and, in that capacity, regularly works as a volunteer on public access programming when his schedule permits. Mr. Fay worked on "Active Aging" on his own time, not University of Missouri time and has not contributed any time or money to the Joan Kelly Horn campaign. In addition, Mr. Fay has informed us that, to the best of his knowledge, neither he, the North Area Cable Television Authority, the NACAB, nor any of the above-mentioned entities' employees, officers, or agents contributed any time or money to the Joan Kelly Horn campaign.

FEDERAL ELECTION CAMPAIGN ACT

Paragraphs (6) and (7) of Mr. Feather's allegation, as described above, are factually incorrect. The UM-St. Louis "media department" was not used to produce "Active Aging" (incorrectly titled "Accent on Aging" in Mr. Feather's complaint), rather the NACAB facilities, located in Ferguson, Missouri, were utilized to produce the program. The only equipment from the access facilities located at UM-St. Louis which was used in the production of Active Aging was an ENG camera. This ENG camera was used sparingly to assist in the development of the program. The NACAB is a nonprofit Missouri corporation specifically designed to promote the use of the access equipment and facilities and the development of public, educational, and governmental access programs, including production of community access programs, such as "Active Aging."

In telephone conversations regarding MUR 3157 you informed us that the alleged violations of the Federal Election Campaign Act stemmed from 2 USCA sections 441 through the end of the Federal Election Campaign Act. We will therefore address each section which could possibly apply to the actions of Mr. Fay and the NACAB regarding the cablecasting of "Active Aging."

1. Section 441a--limitations on contributions and expenditures.

   Not applicable.

2. Section 441b--contributions or expenditures by national banks, corporations or labor organizations.

   This section essentially provides that,

   > it is unlawful for any . . . corporation whatever . . . to make any contribution or expenditure in connection with any election at which . . . a . . . representative in . . . Congress [is] to be voted for . . . [as] provided by this section.

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This section goes on to list unlawful activities, none of which, however, apply to the facts which exist in this matter.

3. Section 441c--contributions by government contractors.

Not applicable.

4. Section 441d--publication and distribution of statements and solicitations; charge for newspaper or magazine space.

This section provides in pertinent part that,

> Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate . . . such contribution-
>
> * * *
>
> (2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee.

This section does not apply to the facts in this matter. This section requires that any communications "expressly advocate" the election or defeat of a clearly identified candidate. The term "express advocacy" was analyzed by the United States Court of Appeals for the Ninth Circuit in Federal Election Com'n v. Furgatch, 807 F.2d 857 (9th Cir. 1987). In this case the Federal Election Commission brought suit against a citizen who had placed a newspaper advertisement in both the New York Times and Boston Globe regarding former President Carter's bid for re-election in 1980. Within its decision the Court proposed a "standard for 'express advocacy' that will preserve the efficacy of the Act without treading upon the freedom of political expression." Id. at 864.

The Furgatch Court went on to provide that,

> This standard can be broken into three main components. First, even if it is not presented in the clearest, most explicit language, speech is "express" for present purposes if its message is unmistakable and unambiguous, suggestive of only one plausible meaning. Second, speech may only be termed "advocacy" if it presents a clear plea for action, and thus speech that is merely informative is not

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> covered by the Act. Finally, it must be clear what action is advocated. Speech cannot be "express advocacy of the election or defeat of a clearly identified candidate" when reasonable minds could differ as to whether it encourages a vote for or against a candidate or it encourages the reader to take some other kind of action.

Furgatch 807F.2D at 864.

In applying the above articulated standard to the situation at hand, it is clear that the content of "Active Aging", the program on which Ms. Horn appeared as a guest, does not present a clear plea for action but rather presents material which is merely informative and not covered by the Federal Election Campaign Act. At no time during the program did Ms. Horn make a plea for votes or make a plea for individuals not to vote for Representative Buechner. The information covered within the program dealt with senior citizen issues and provided information which would assist senior citizens in receiving additional assistance to obtain the services and health care which they may desire. Therefore, under the standard articulated in Furgatch, Section 441d would not apply given the present fact situation.

5. Section 441e through Section 456--Not applicable.

CONCLUSION

Based on the foregoing discussion, we contend that there exists no probable cause to believe that either Mr. Jim Fay or the NACAB committed a violation of the Federal Election Campaign Act. We, therefore, respectfully request that you recommend to the Commission that there is reason to believe that no violation has occurred with respect to paragraphs (6) and (7) of the complaint. Inasmuch as Mr. Feather's complaint did not specify particular sections of the Federal Election Campaign Act which were alleged to have been violated, we respectfully request that to the extent we have not addressed applicable sections of the Federal Election Campaign Act within this letter, we are allowed to do so at such time as Mr. Feather or the Missouri Republican Party may so specify.

Should you have any questions regarding the information contained within this letter, please do not hesitate to contact me.

Very truly yours,

Adrian E. Herbst

651ZKJD
cc: Mr. Jim Fay
Ms. Kate Markie

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AFFIDAVIT OF MR. JAMES FAY

State of Minnesota)
) SS
County of St. Louis)

James Fay, affiant herein, being first duly sworn and under oath, deposes and says as follows:

1. That he is the James Fay referred to in this letter from Adrian Herbst, attorney of Moss & Barnett, dated November 29, 1990, to the Federal Election Commission.

2. That he has read the above-referenced letter and that, to the best of his knowledge and belief, all of the statements and representations contained therein are true and correct.

3. Further, affiant sayeth not, except that he makes this affidavit in good faith and for the purposes of verifying the truth and accuracy of the above-referenced letter.

James Fay

Subscribed to and sworn to before me this 30 day of NOV, 1990.

Notary Public

HENRY CERNICEK, JR
NOTARY PUBLIC STATE OF MISSOURI
ST LOUIS COUNTY
MY COMMISSION EXP JULY 16,1993

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 6, 1990

Phillip J. Hoskins, Counsel
University of Missouri System
227 University Hall
Columbia, MO 65211

RE: MUR 3157
University of Missouri

Dear Mr. Hoskins:

This is in response to your letter dated November 29, 1990, which we received on November 29, 1990, requesting an extension of 15 days until December 15, 1990 to respond to the complaint filed against your client. 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 December 15, 1990.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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University of Missouri System
COLUMBIA - KANSAS CITY - ROLLA - ST. LOUIS

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC 17 AM 11:06

227 University Hall
Columbia, Mo. 65211

OFFICE OF THE GENERAL COUNSEL

Telephone
314-882-3211
Fax Number
(314) 882-0050

December 14, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 DEC 17 PM 3:06

Mr. Michael Marinelli, Esq.
Federal Election Commission
Washington D.C. 20463

Re: MUR 3157

Dear Mr. Marinelli:

On behalf of the University of Missouri-St. Louis, a respondent named in the October 25, 1990 Complaint filed in the above-referenced matter, I respectfully submit the enclosed Factual and Legal Analysis of Issues having relevance to this respondent.

Based upon the enclosed analysis, including supporting affidavits, the University of Missouri-St. Louis respectfully urges you to make a recommendation that the Complaint does not set forth a possible violation of the Federal Election Campaign Act and, accordingly, that the Commission should close the file on this matter, as it relates to this respondent.

Sincerely yours,

Phillip J. Hoskins

PHILLIP J. HOSKINS
Counsel

PJH/sgw
Enclosure
cc: Interim Chancellor Blanche M. Touhill

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Analysis of Factual and Legal Issues Related to Allegations Against the University of Missouri-St. Louis (MUR 3157)

Allegations

In his letter of October 25, 1990 to Mr. Laurence Noble, General Counsel, Federal Election Commission, Tony Feather made the following allegations related to the University of Missouri-St. Louis:

> "6) The University of Missouri at St. Louis (UMSL) is a not-for-profit institution and is prohibited by federal law from using its resources on behalf of candidates for federal office. The University's media department has been used to produce a piece for Horn's campaign called Accent on Aging. It was produced by Mr. James Fay. No where in Ms. Horn's FEC Reports is either Mr. Fay paid or is the University reimbursed for such media production.
>
> 7) At the same University, staff members do work on political affairs during their salaried time. While not a violation of Missouri state law, such use is a violation of federal campaign and tax law. The Missouri Republican party can and will inform the Federal Election Commission of the names if requested."

Factual and Legal Analysis

The University of Missouri-St. Louis (UM-St. Louis) is one of four campuses in the University of Missouri System. It is owned and operated by The Curators of the University of Missouri, a public corporation of the State of Missouri and an arm of state government. Section 172.020, RSMo 1986 and Todd v. Curators of the University of Missouri, 147 S.W.2d 1063 (Mo. 1941).

I. UM-St. Louis denies the allegations contained in Item 6) of the Complaint filed herein:

1. James Fay is a faculty member in the Department of Communication and an administrator with the Instructional Technology Center at UM-St. Louis. He is also a member of the North Area Cable Television Authority (NACTA), and a member and frequent volunteer for the North Area Community Access Board (NACAB). It was in the latter capacity that he was involved in the production of a television program entitled Active Aging, which featured an interview of Ms. Joan Kelly Horn. James Fay has submitted a sworn statement attesting that his participation in the production of Active Aging was not done on "University of Missouri time". See letter from

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Adrian E. Herbst to Mr. Michael Marinelli, dated November 29, 1990, sworn to by James Fay.

2. Mr. Feather's allegation erroneously refers to the television program as Accent on Aging. Mr. Fay has no knowledge of any program other than the aforementioned program entitled Active Aging. Id.

3. UM-St. Louis has no "media department". However, it does have an Instructional Technology Center of which James Fay is the Director.

4. Dr. Wendell L. Smith is Associate Vice Chancellor for Academic Affairs and Director of Telecommunications at UM-St. Louis. In such position, he has administrative responsibility over the Instructional Technology Center (ITC). At the request of Interim Chancellor Blanche M. Touhill, Dr. Smith has inquired of Dr. Fay and other personnel associated with the ITC, has been assured that none of them was involved in the production of Active Aging on University time, and has so informed Dr. Touhill.

5. A review of the videotape of that television program reveals that the credits do not indicate any involvement by UM-St. Louis in its production. The production is copyrighted by NACAB. The videotape was actually filmed at NACAB's Ferguson, Missouri facility rather than the cable access facility located at UM-St. Louis.

6. A review of the videotape of that television program, on which Ms. Joan Kelly Horn appeared, also reveals that it is not a "piece for Horn's campaign" as alleged. Rather, the program is an informational program designed to interest senior citizens. The segment featuring Ms. Joan Kelly Horn provides information regarding community services and activities of interest to senior citizens, including names, addresses, and telephone numbers of community service agencies. Although Ms. Horn is introduced as a candidate for Congress, the videotape includes no solicitation of votes for Ms. Horn or against her opponent, no request for campaign contributions, no telephone numbers or addresses of Ms. Horn's campaign staff. At no time during the program does Ms. Horn or the interviewer expressly advocate the election or defeat of an identified candidate for federal office, which is required for a violation of the Federal Election Campaign Act. Buckley v. Valeo, 424 U.S. 1, 96 S.Ct. 612, 645-647, 46 L.Ed.3d 659 (1976); see also, Federal Election Com'n v. Furgatch, 807 F.2d 857, 864 (9th Cir. 1987). Thus,

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even if UM-St. Louis employees had participated in the production of Active Aging on University time, which UM-St. Louis denies, such action would not constitute a violation of the Federal Election Campaign Act.

II. As for the allegations in Item 7) of the Complaint, the allegations are so lacking in specificity that UM-St. Louis cannot be expected to frame an informed response. There is no definition of the term "political affairs" contained in the Complaint. Respondent has not discovered any statutory, regulatory or case law definition of such term within the context of the Federal Election Campaign Act. Understood broadly, the term could, for example, include the academic work of faculty members in such disciplines as political science, which work does not violate federal or state law.

In addition, no names of University staff members are provided, nor are any specific citations to "federal campaign and tax law" allegedly violated. In the absence of more definite allegations, UM-St. Louis cannot respond to the allegations except to say that Interim Chancellor Blanche M. Touhill has made reasonable inquiry into these broad, general allegations and has no reason to believe actions of University employees have violated any federal campaign or tax laws.

Conclusion

For the foregoing reasons, UM-St. Louis respectfully urges that the Office of the General Counsel recommend to the Federal Election Commission that the Complaint does not set forth a possible violation of the Federal Election Campaign Act and, accordingly, that the Commission should close the file on this matter, as it relates to this respondent.

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL
Robert L. Ross, General Counsel

Phillip J. Hoskins

Phillip J. Hoskins
227 University Hall
Columbia, Missouri 65211
(314) 882-3211

Attorneys for the University
of Missouri-St. Louis

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AFFIDAVIT OF BLANCHE M. TOUHILL

I, Blanche M. Touhill, being first duly sworn, state:

1. I am the Interim Chancellor at the University of Missouri-St. Louis.

2. My office address is 401 Woods Hall, University of Missouri-St. Louis, 8001 Natural Bridge Road, St. Louis, Missouri 63121-4499.

3. I am over 18 years of age.

4. At my direction, UM-St. Louis officials have investigated the allegations in Items 6) and 7) of Mr. Tony Feather's October 25, 1990 letter to Mr. Laurence Noble. Based upon that investigation I have no reason to believe actions of University of Missouri-St. Louis employees have violated any federal campaign or tax laws.

5. I have reviewed the contents of the Analysis of Factual and Legal Issues Related to Allegations Against the University of Missouri-St. Louis (MUR 3157) to which this Affidavit is attached. The contents thereof are true according to my best knowledge and belief.

State of: Missouri
County of: St. Louis

Blanche M. Touhill
BLANCHE M. TOUHILL

Sworn before me this 13th day of December, 1990.

Nancy S. Forbes
Notary Public
My Commission Expires: 02/07/93

NANCY S. FORBES
NOTARY PUBLIC — STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXPIRES FEB. 7, 1993

OGC 9857

University of Missouri System
COLUMBIA - KANSAS CITY - ROLLA - ST. LOUIS

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 JAN 17 AM 9:27

227 University Hall
Columbia, Mo. 65211

OFFICE OF THE GENERAL COUNSEL

Telephone
314-882-3211
Fax Number
(314) 882-0050

January 10, 1991

Mr. Michael Marinelli, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3157

Dear Mr. Marinelli:

Please find enclosed a Supplemental Response respectfully submitted on behalf of the University of Missouri-St. Louis.

The Supplemental Response contains information acquired by Interim Chancellor Blanche M. Touhill on January 8, 1991. Said information indicates that the previous submittal on behalf of this respondent contained inaccurate information although its inaccuracy was unknown to Dr. Touhill at the time of its submittal.

The University of Missouri-St. Louis respectfully submits that this new information does not undermine its ultimate contention that the Complaint does not set forth a possible violation of the Federal Election Campaign Act. Nevertheless, Dr. Touhill feels the need to correct portions of the prior submittal to assure that your recommendation is not based upon inaccurate information.

Sincerely yours,

Phillip J. Hoskins

PHILLIP J. HOSKINS
Counsel

PJH/sgw
Enclosure
cc: Interim Chancellor Blanche M. Touhill

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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Supplemental Response
of the University of Missouri-St. Louis
(MUR 3157)

By letter dated December 14, 1990, the University of Missouri-St. Louis submitted its response to allegations against the University of Missouri-St. Louis. That submittal was supported by an Affidavit of Interim Chancellor Blanche M. Touhill, based upon her best knowledge and belief at that time.

Dr. Touhill learned on January 8, 1991 that some of the information contained in the previous submittal was inaccurate. Although the inaccuracy does not materially affect the ultimate contention of the University of Missouri-St. Louis, Dr. Touhill feels the need to correct the information previously provided. See Affidavit of Blanche M. Touhill attached.

Portions of Sections I.4. and I.6. of the Analysis of Factual and Legal Issues Related to Allegations Against the University of Missouri-St. Louis were inaccurate to the extent those provisions implied or expressed that no University of Missouri-St. Louis employees participated in the production and filming of Active Aging on University time.

Dr. Touhill has been informed that two part-time University employees and one independent contractor were compensated by the University on an hourly basis for services performed in connection with the production and filming of the Active Aging program. A part-time student employee was also compensated for services performed in connection with the production and filming of the Active Aging program. In addition, one student was involved with the production and filming of Active Aging and, although not compensated, used the experience to fulfill practicum requirements for a communications course.

The source of funds utilized by the University to compensate the above-mentioned individuals is a grant from NACTA, the North Area Cable Television Authority.

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL
Robert L. Ross, General Counsel

Phillip J. Hoskins

Phillip J. Hoskins
227 University Hall
Columbia, Missouri 65211
(314) 882-3211

Attorneys for the University of
Missouri-St. Louis

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AFFIDAVIT OF BLANCHE M. TOUHILL

STATE OF MISSOURI)
) ss.
COUNTY OF ST. LOUIS)

I, Blanche M. Touhill, being first duly sworn, states as follows:

1. I am the Interim Chancellor at the University of Missouri-St. Louis.

2. My office address is 401 Woods Hall, University of Missouri-St. Louis, 8001 Natural Bridge Road, St. Louis, Missouri 63121.

3. I am over 18 years of age.

4. I submitted a previous Affidavit in connection with this matter, dated December 13, 1990, based upon my best knowledge and belief at that time.

5. I learned on January 8, 1991, that some of the information I relied upon was inaccurate and I am submitting this second Affidavit in order to correct the inaccurate information previously provided.

6. I have reviewed the content of the Supplemental Response of the University of Missouri-St. Louis (MUR 3157) to which this Affidavit is attached. The content thereof is true according to my best knowledge and belief.

Blanche M. Touhill
BLANCHE M. TOUHILL

Subscribed and sworn to before me this 10th day of January, 1991.

Nancy S. Forbes
Notary Public
My commission Expires:

02/07/93

NANCY S. FORBES
NOTARY PUBLIC — STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXPIRES FEB. 7, 1993

92040904727

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1991

René Redwood, Registered Agent
Greenberg Lake Analysis Group, Inc.
515 Second Street, N.E.
Washington, D.C. 20002

RE: MUR 3157

Dear Ms. Redwood:

The Federal Election Commission received a complaint which alleges that Greenberg Lake Analysis Group, Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR #3157. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Greenberg Lake Analysis Group in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the Office of the General Counsel, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If Greenberg Lake Analysis Group will 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.

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If you have any questions, please contact Dodie C. Kent, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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

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GCC # 1738

GREENBERG·LAKE
THE ANALYSIS GROUP INC

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH
91 JUL -1 AM 9:25

515 SECOND STREET NE
WASHINGTON DC 20002
202 547 5200

June 27, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JUL -1 AM 10:42

TO: Federal Election Commission
Office of the General Counsel

FROM: Donita B. Hicks, Executive Director
Greenberg-Lake

RE: MUR # 3157
Joan Kelly Horn

This memo is in response to a complaint lodged by the Missouri Republican Party and as requested in your letter of June 19th. The MO. Republic Party alleges that Greenberg Lake may have made an illegal in-kind contribution by providing polling for the Joan Kelly Horn Campaign. I am enclosing records that show that Greenberg-Lake was fully reimbursed for the cost of polls and consultation which we conducted for the Joan Kelly Horn for Congress Campaign.

Should you need additional information, do not hesitate to contact us.

Enc. copies of checks from Joan Kelly Horn Campaign totalling $7,920.28 for polling and consultation.

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JOAN KELLY HORN FOR CONGRESS
8010 COLONIAL LANE PH. 314-968-3111
ST. LOUIS, MO 63124

1321

12/15 '91

PAY TO THE ORDER OF Greenberg Tobe $ 45.23

Forty-five and 23/100 DOLLARS

Landmark Bank

FOR Expense and Communication

Joan Kelly Horn

⑈001321⑈ ⑆081016932⑆ 051102890⑈

JOAN KELLY HORN FOR CONGRESS
8010 COLONIAL LANE PH. 314-968-7555
ST. LOUIS, MO 63124

1054

4/10 '92

PAY TO THE ORDER OF Greenberg Tobe $ 3000.00

Three thousand + no/100 DOLLARS

Landmark Bank

FOR

Joan Kelly Horn

⑈001054⑈ ⑆081016932⑆ 051102890⑈

JOAN KELLY HORN FOR CONGRESS
8010 COLONIAL LANE PH. 314-968-7555
ST. LOUIS, MO 63124

1073

5/1 '92

PAY TO THE ORDER OF Greenberg Tobe $ 4750.00

four thousand seven hundred fifty + no/100 DOLLARS

Landmark Bank

FOR Balance on poll

Joan Kelly Horn

⑈001073⑈ ⑆081016932⑆ 051102890⑈

JOAN KELLY HORN FOR CONGRESS
8010 COLONIAL LANE PH. 314-968-7555
ST. LOUIS, MO 63124

1100

5/24 '92

PAY TO THE ORDER OF Greenberg Tobe $ 16.00

sixteen + no/100 DOLLARS

Landmark Bank

FOR

Joan Kelly Horn

⑈001100⑈ ⑆081016932⑆ 051102890⑈

JOAN KELLY HORN FOR CONGRESS
8010 COLONIAL LANE PH. 314-968-7555
ST. LOUIS, MO 63124

1142

7/29 '92

PAY TO THE ORDER OF Greenberg Tobe $ 104.35

One hundred four + 35/100 DOLLARS

Landmark Bank

FOR

Joan Kelly Horn

⑈001142⑈ ⑆081016932⑆ 051102890⑈

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SENSITIVE

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SECRETARIAT
91 SEP 13 PM 2:56

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

FIRST GENERAL COUNSEL'S REPORT

MUR # 3157
DATE COMPLAINT RECEIVED BY OGC: November 5, 1991
DATE OF NOTIFICATION TO RESPONDENTS: November 8, 1991
STAFF MEMBER: Dodie C. Kent

COMPLAINANT: Tony Feather, Executive Director on behalf of the Missouri Republican Party

RESPONDENTS: Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer
Community Consultants, Inc.
Greenberg Lake Analysis Group, Inc.
James Fay
STOP! PAC and Carol Rogers, as treasurer
University of Missouri at St. Louis

RELEVANT STATUTES: 2 U.S.C. § 434(b)(4)
2 U.S.C. § 439
2 U.S.C. § 441a
2 U.S.C. § 441b(a)

INTERNAL REPORTS CHECKED: Disclosure reports of the Joan Kelly Horn For Congress Committee

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a complaint filed by Tony Feather on behalf of the Missouri Republican Party. Attachment 1. Mr. Feather alleges that the Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer (the "Committee"), violated the Act by accepting prohibited in-kind corporate contributions from the following entities:

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Community Consultants, Inc.; Greenberg Lake Analysis Group, Inc.; and the University of Missouri at St. Louis. The complaint additionally contends that the Committee violated the Act by accepting an excessive in-kind contribution in the form of a contributor list from STOP! PAC. Furthermore, the complaint contends that the Committee also violated the Act by failing to timely file copies of its 1989 Year End Report and Ms. Horn's Ethic's Statement and completely failing to file its 1990 April Quarterly Report with the Missouri Secretary of State.

The Office of the General Counsel notified respondents on November 8, 1990.[1] Respondents submitted their responses shortly thereafter.

II. FACTUAL AND LEGAL ANALYSIS

A. Prohibited Contributions

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act"), it is unlawful for a corporation to make a contribution or expenditure in connection with any election for Federal Office or for any candidate, political committee, or other person to knowingly accept such a contribution. 2 U.S.C. § 441b(a). For purposes of this section, a "contribution or expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any

1. Due to an administrative oversight, Greenberg Lake Analysis Group, Inc. was not notified of the complaint until June 19, 1991.

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candidate, campaign committee, or political party or organization, in connection with any election to Federal office. 2 U.S.C. 441b(b)(2).

The Commission has held that when the activity in question is a communication and a candidate is involved with the activity, disbursements will be considered for the purpose of influencing his/her election to Congress if: (1) direct or indirect reference is made to the candidacy, campaign or qualifications for public office of the candidate or the candidate's opponent; (2) the communication refers to the candidate's views on policy issues or issues raised in the campaign; or (3) distribution of the communication in any way indicates that it is a campaign communication. Advisory Opinion 1990-5.

1. Greenberg Lake Analysis Group, Inc.

The complainant makes eight allegations, the first of which contends that the Greenberg Lake Analysis Group, Inc., a Washington, D.C. survey and focus group, conducted a poll for the Joan Kelly Horn For Congress Committee, which was provided to the campaign free of charge. In this regard, the complaint maintains that the cost of the poll was never reflected either as a disbursement or outstanding obligation in any of the Committee's reports. The complaint further contends that the fair market value of such a poll is between $6,000 and $7,000.

In response, the Committee confirmed that the Greenberg Lake Analysis Group conducted a poll on the Committee's

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behalf. Attachment 2. However, the Committee states that the Greenberg Lake Analysis Group was paid and said payment is reflected in the Committee's amended 1990 July Quarterly Report. The Greenberg Lake Analysis Group's response mirrors the Committee's. Attachment 3. Both the Committee and the Greenberg Lake Analysis Group attached copies of the payment checks to their responses.

A review of the Committee's amended 1990 July Quarterly Report, filed on November 6, 1990,[2] reveals that the Greenberg Lake Analysis Group was paid consulting fees of $3,000 and $4,750 on April 10, 1990 and May 1, 1990, respectively. Copies of the checks provided by both respondents correspond with these amounts. Hence, although no invoices were provided, based on the Committee's sworn representation that these payments were for the poll, it appears that the Committee has compensated Greenberg Lake Analysis Group, Inc. for its services. Furthermore, the total amount of the reported payments actually exceed the alleged value of the poll. Therefore, it appears that Greenberg Lake Analysis Group, Inc. was adequately compensated. Based on the foregoing, this Office recommends that the Commission find no reason to believe that neither the Greenberg Lake Analysis Group, Inc. nor the Joan Kelly

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2. The report was filed after the administrative complaint was received by the Commission but preceding our notification of the respondents. It is unknown whether the Committee was aware of the complaint prior to filing the amended report.

Horn For Congress Committee violated 2 U.S.C. § 441b(a) with regard to the poll.

However, if the Greenberg Lake Analysis Group was paid in April and May 1990, it appears that the Committee failed to timely disclose those disbursements. In this regard, although the disbursements should have been disclosed on the 1990 July Quarterly Report, due July 15, 1990, the Committee did not disclose the disbursements until November 6, 1990, on an amended July Quarterly Report. Therefore, this Office recommends that the Commission find reason to believe that the Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer, violated 2 U.S.C. § 434(b)(4)(A) by failing to timely disclose disbursements made to the Greenberg Lake Analysis Group.

2. STOP! PAC

According to the complaint's second allegation, the Committee obtained a list of over 25,000 names of individuals in the Missouri's Second Congressional District from STOP! PAC, a committee dedicated to stopping government interference.

The complaint contends that STOP! PAC circulated a petition in the State of Missouri, in an attempt to put an abortion regulation statute on the November 1990 Missouri ballot. According to the complainant, although the list fell short of the required number of signatures for certification, it is estimated that 25,000 or more names from the Second

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Congressional District were procured by STOP! PAC and, in turn, provided to the Horn Committee. In support of this assertion, the complainant states that the Missouri Republican Party knows individuals who signed the petition and believe their names were subsequently provided to the Committee. To bolster this theory, the complainant provided an affidavit from Erica Lea Towns who claims that she signed a petition for STOP! PAC and shortly thereafter began receiving campaign literature from the Committee. Since Ms. Towns claims to have never signed any other petitions, the affiant contends that the only place the Committee could have gotten her name was from STOP! PAC. The complaint maintains that the cost of the list was not disclosed on the Committee's reports as either a contribution, disbursement or outstanding obligation. The complaint then asserts that the list constituted an in-kind contribution by STOP! PAC in excess of STOP! PAC's $5,000 contribution limit.[3]

In response, the Committee states, under oath, that the Committee "at no time requested, received or to its knowledge used names from the initiative petition circulated by Stop-Pac (sic)." Attachment 2 at 2. The Committee further states that "[i]ndividuals, however, did provide the Committee with names of their friends who they felt would support Joan Horn's candidacy." Id. STOP! PAC's sworn

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3. It should be further noted STOP! PAC is not a federal committee registered with the Commission, but rather appears to be a state political committee which is registered and incorporated in Missouri.

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response similarly denies that STOP! PAC ever provided a list to the Committee. Attachment 4. STOP! PAC further notes that it has never provided a list -- in any form -- to any campaign. Attachment 4 at 1.

Based on the parties' sworn denials to the allegations, together with the fact that the information provided by Ms. Towns' affidavit is far from conclusive evidence,[4] this Office recommends that the Commission find no reason to believe that STOP! PAC and Carol Rogers, as treasurer, violated the Act. Furthermore, this Office recommends that the Commission find no reason to believe that the Committee violated the Act, with respect to this allegation.

3. Community Consultants, Inc.

The complaint's third, fourth and fifth allegations allege prohibited contributions by Community Consultants, Inc., a Missouri corporation for which Joan Kelly Horn serves as the president and registered agent. The complaint contends that the Committee possesses two computers, two printers and a Canon copy machine for which the Committee has never reported purchase or rental disbursements on its reports or listed as outstanding obligations. Complainant believes that the equipment is owned, leased or rented by

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4. The Committee could have gotten Ms. Towns' name from a variety of other sources, including people familiar with the Horn campaign who thought Ms. Towns might be a interested in supporting Horn.

Community Consultants, thus constituting a prohibited corporate contribution. The complaint further contends that the car which Joan Kelly Horn used during the course of her campaign was also owned by Community Consultants, yet a disbursement(s) for the use of the car is, again, not reported on the Committee's disclosure reports. Hence, another prohibited corporate contribution may have occurred. Lastly, the complaint states that Community Consultants pays Ms. Horn rent for her use of a portion of her personal residence in which she conducts corporate business. The complaint then contends that this "office" was used by Ms. Horn to conduct campaign business in violation of the Act, again resulting in a prohibited corporate contribution.

In response to the allegation regarding the office equipment, the responses by the Committee and Joan Kelly Horn, as President of Community Consultants, both state that one computer and one printer were purchased from Community Consultants by the Committee. Ms. Horn attached the invoices for the purchases, as well as the Committee's payment checks, to her response. Attachment 5 at 3. The Committee further claims that the relevant disbursements were reported on the amended 1990 July Quarterly. Indeed, the amended 1990 July Quarterly Report does reveal three disbursements to Community

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Consultants on April 6, 1990, April 18, 1990, and April 22, 1990 in the amounts of $701.20, $307.85 and $988.35, respectively. Neither of the respondents address the second computer and printer nor the Canon copy machine mentioned in the complaint.

A review of the receipts and payment checks provided by both the Committee and Community Consultants is puzzling. Although respondents contend that the equipment was sold by Community Consultants to the Committee, the companies listed at the top of the invoices, which purportedly document the sales, are Custom Computer Services and Automation Services Company, not Community Consultants. Although both invoices are dated in January 1990, according to the Committee's reports, the equipment was paid for in April 1990. Indeed, the invoice for the printer is marked "Paid" on January 16, 1990, yet the check provided by the Committee as corresponding to payment for the printer is dated April 22, 1990. Furthermore, the check for the computer is clearly marked "reimburse[ment]."

Based on the two invoices and the checks provided, it appears that Community Consultants acted as an intermediary between the Committee and the retailers by fronting the money for at least some of the Committee's office equipment and

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later being reimbursed. Indeed, Pat Gray, counsel for the Joan Kelly Horn For Congress Committee, informed a staff member of this Office in a July 8, 1991 telephone conversation that the computer and printer were purchased by Community Consultants and, in turn, sold to the Committee. There is no indication that Community Consultants is either a commercial vendor or that the extension of credit here was in the ordinary course of its business. Therefore, it seems that a prohibited corporate contribution occurred with regard to the Committee's office equipment and Community Consultants' role in its purchase.

In response to the allegation regarding Joan Kelly Horn's use of Community Consultants' car during her election, Ms. Horn stated that Community Consultants is traditionally reimbursed for use of the company car on a 75% company use-25% personal use basis. In 1990, however, Ms. Horn states that she instructed Community Consultants' accountant to implement a 75% personal use-25% company use ratio. Aside from this assertion, no attempt is made to justify the application of this formula. No information is provided regarding the reasons this arbitrary formula was selected nor is any indication given concerning whether the actual use of the car corresponded with prior expectations. Furthermore,

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although the Committee's disclosure reports list several disbursements to Community Consultants by the Committee, the disbursement(s) for the use of the car are not individually identified.[5] Hence, there is no hard evidence that the payment(s) for the use of the car was ever made. Indeed, Community Consultants' response never claims that such payment occurred. Instead, the corporation's response only states: "For 1990, our accountant has been instructed to switch this to a 75% personal, 25% company ratio." Attachment 5 at 1 (emphasis added). In any event, there is no indication that Community Consultants is a commercial vendor nor that the extension of credit was in the ordinary course of business. Therefore, it appears that a violation may have occurred with respect to Joan Kelly Horn's use of Community Consultants' car for the duration of her campaign.

In response to the allegation regarding the use of Joan Kelly Horn's personal residence, both Ms. Horn and the Committee state, under oath, that no campaign business was conducted in the personal residence of Joan Kelly Horn. Rather, a campaign office was established in early 1990 for that purpose. However, an examination of the Committee's disclosure reports reveals that while the campaign was organized in September 1989, the first reported rental

5. As previously discussed, at least two of the reported payments to Community Consultants correspond to the computer equipment. Furthermore, the Committee's reports do not denote disbursements to and/or in-kind contributions by Joan Kelly Horn, personally, with regard to the car.

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payment for campaign office space is for April 1991. Furthermore, the campaign's mailing address for months preceding April 1991 was 8570 Colonial Lane, St. Louis, Missouri. This is the personal residence of Joan Kelly Horn.[6] Therefore, it appears that a violation may have occurred with regard to the Committee's use of Community Consultants' office space located in the home of Joan Kelly Horn.

Accordingly, this Office recommends that the Commission find reason to believe that Community Consultants, Inc. violated 2 U.S.C. § 441b(a) by making prohibited contributions to the Joan Kelly Horn For Congress Committee in the form of office equipment, use of Community Consultants' corporate car, and office space. This Office also recommends that the Commission find reason to believe that the Joan Kelly Horn For Congress Committee violated 2 U.S.C. § 441b by accepting the above prohibited contributions.

4. <u>University of Missouri at St. Louis</u>

The sixth and seventh allegations of the complaint involve alleged prohibited contributions by the University of Missouri at St. Louis, a public corporation in the state of Missouri. The complaint alleges that the University's "media

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6. Once again, there are no reported disbursements to and/or in-kind contributions by Joan Kelly Horn which appear to correspond to this office space.

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department" was used to produce a program for Horn's campaign called Accent on Aging, a cable program on which Ms. Horn was interviewed regarding issues concerning the elderly. This program was allegedly produced by James Fay, a salaried employee of the University of Missouri, as well as Chairman of North Area Cable Television Authority ("NACTA") and a member of the North Area Community Access Board ("NACAB"). Both NACTA and NACAB are are non-profit Missouri corporations. The complaint further maintains that other unspecified University employees were also doing work on "political affairs" during salaried time, in violation of both the Act and tax law.[7] According to committee reports, neither James Fay nor the University of Missouri was paid by the campaign for these services.

According to Fay's response, NACTA and NACAB produce community access programs. Attachment 6 at 2. In this regard, NACAB produced Active Aging (the correct title of the communication in question), one of its "community access programs," in order to provide the community with current information regarding various community services and other topics of interest to senior citizens. Attachment 6 at 2. Mr. Fay acknowledges that he produced the episode of Active

7. Violations of the tax code are not within the Commission's jurisdiction, and this Office therefore is making no recommendation with regard to that allegation.

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Aging containing Ms. Horn's appearance, but claims that it was in his capacity as a member of NACAB and at NACAB's expense.

According to Mr. Fay, in the segment of Active Aging at issue, Joan Kelly Horn appeared as a guest. That episode discussed health care, transportation, entertainment, housing and other related senior citizen issues. Fay further contends that aside from Ms. Horn's introduction as a candidate, no references were made to her campaign. Furthermore, according to Mr. Fay, neither the program nor Joan Kelly Horn solicited contributions and/or votes for Horn or mentioned Horn's political opponent. Attachment 6 at 2.

The University's two responses concur with this version of events. See generally Attachments 7 and 8. In fact, according to the University, the video's credits do not list the University of Missouri-St. Louis in any capacity whatsoever. The University further contends that its involvement with Active Aging was limited to the participation of two of its part-time employees, one independent contractor and a part-time student. Attachment 8 at 3. These people worked on the production and were compensated with University funds. The University asserts, however, that the source of those funds was a grant from the

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NACTA. Another part-time student worked on the project for school credit.[8] The University is unaware of any of its employees conducting "political" work on salaried time.

Although respondents assert there was no express advocacy, that assertion does not end the inquiry. The complaint's allegations regarding the production of Active Aging present several questions which are not sufficiently addressed by the responses. Specifically, although respondents acknowledge that Ms. Horn was identified as a federal candidate on the program, we are unable to determine whether the other factors identified by the Commission in Advisory Opinion 1990-5 (Margaret Mueller) as evidence that communications by candidates who are not public officeholders have been made for the purpose of influencing a federal election are present here. For example, since neither a transcript nor a videotape of the program has been provided, it is unknown whether Joan Kelly Horn expressed her views on policies which affect the elderly. It is also unknown whether the plight of the elderly was an issue in Ms. Horn's campaign. Indeed, we do not even know the circumstances under which Horn was asked to appear on the program. Since the date(s) the program was produced and aired is unknown, it is unknown whether the timing of the show in any way related

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8. It should be noted that James Fay also stated that one University camera was used in the production of Active Aging. Attachment 6 at 3.

to election time. Furthermore, it is unknown whether Active Aging went on to become a regular feature of NACAB's programming.[9]

Although the full extent of each party's involvement with the production of Active Aging is not yet known, it appears that a prohibited in-kind contribution by one or more of the corporations involved with the program may have occurred. A full investigation of the facts is necessary. Therefore, this Office recommends that the Commission find reason to believe that NACTA, NACAB, and the University of Missouri violated the 2 U.S.C. § 441b(a) by making a prohibited contribution to the Joan Kelly Horn For Congress committee. This Office further recommends that the Commission find reason to believe that the Joan Kelly Horn For Congress committee and Peter McMillan, as treasurer, violated 2 U.S.C. § 441b(a) by accepting said contribution(s).[10]

B. State Office Filings

Pursuant to 2 U.S.C. § 439(a)(1), a copy of each report and statement required to be filed by any person under the Act must be filed by such person with Secretary of State (or

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9. Respondents have not raised the media exemption as a defense. Furthermore, it is uncertain whether it is even applicable to this type of activity. In any event, more information is needed before the issue can be properly analyzed.

10. Since it is unclear whether James Fay was acting in his capacity as an officer or employee of all or some of the parties or individually, this Office makes no recommendation with regard to Mr. Fay at this time.

equivalent state officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports.

The complaint's eighth and final allegation maintains that the Committee untimely filed its 1989 Year End Report and Ms. Horn's Ethics statement with Missouri's Secretary of State. The Committee further contends that Committee failed to file its April Quarterly Report with that same office.

A candidate's Ethics statement does not fall within the jurisdiction of the Commission; consequently, this Office will not address that portion of the complaint's allegations.

Missouri's Secretary of State confirms that the Committee did not file its 1989 Year End Report in that office until February 16, 1990. That report should have been filed no later than January 31, 1990. Missouri's Secretary of State indicates that the Committee's 1990 April Quarterly Report was filed in that office on April 17, 1990. That report should have been filed no later than April 15, 1990.

Based on the foregoing, this office recommends that the Commission find reason to believe that the the Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer, violated 2 U.S.C. § 439(a)(1) by failing to timely file both

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the Committee's 1989 Year End Report and 1990 April Quarterly Report with Missouri's Secretary of State.

III. PROPOSED DISCOVERY

If the Commission finds reason to believe that the Community Consultants violated 2 U.S.C. § 441b(a), we will request all documents which in anyway relate or refer to the sale and/or leasing of the two computers, two printers and copier mentioned in the complaint. We will also investigate Ms. Horn's use of Community Consultants' car and office space during 1990. Similarly, if the Commission finds reason to believe that NACTA, NACAB and/or the University of Missouri violated 2 U.S.C. § 441b(a), this Office will request a videotape of the segment of Active Aging in question, as well all documents which in anyway relate or refer to the production of said segment. This Office would also investigate the foundation for Ms. Horn's appearance on a show dealing with the elderly.

IV. RECOMMENDATIONS

1. Find reason to believe that the Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer, violated 2 U.S.C. §§ 434(b)(4)(A), 439(a)(1), and 441b(a).

2. Find reason to believe that Community Consultants violated 2 U.S.C. § 441b(a).

3. Find reason to believe that the University of Missouri at St. Louis violated 2 U.S.C. § 441b(a).

4. Find reason to believe that the North Area Cable Television Authority violated 2 U.S.C. § 441b(a).

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5. Find reason to believe that the North Area Community Access Board violated 2 U.S.C. § 441b(a).

6. Find no reason to believe that the Greenberg Lake Analysis Group violated the Act.

7. Find no reason to believe that STOP! PAC and Carol Rogers, as treasurer, violated the Act.

8. Approve the appropriate letters and attached Factual and Legal Analyses.

Lawrence M. Noble
General Counsel

Date 9/13/91

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

Attachments
1. Complaint
2. Committee's Response
3. Greenberg Lake Analysis Group's Response
4. STOP! PAC's Response
5. Community Consultant's Response
6. James Fay's, NACTA's and NACAB's combined Response
7. University of Missouri's Response
8. University of Missouri's Supplemental Response
9. Factual and Legal Analyses (5)

Staff assigned: Dodie Kent

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ DONNA ROACH
COMMISSION SECRETARY

DATE: SEPTEMBER 19, 1991

SUBJECT: MUR 3157 - FIRST GENERAL COUNSEL'S REPORT DATED SEPTEMBER 13, 1991.

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The above-captioned document was circulated to the Commission on MONDAY, SEPTEMBER 16, 1991 11:00 A.M.

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

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

This matter will be placed on the meeting agenda for THURSDAY, SEPTEMBER 26, 1991.

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3157
Joan Kelly Horn For Congress Committee	)	
and Peter McMillan, as treasurer;	)	
Community Consultants, Inc.;	)	
Greenberg Lake Analysis Group, Inc.;	)	
James Fay;	)	
STOP! PAC and Carol Rogers, as	)	
treasurer;	)	
University of Missouri at St. Louis.	)	

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CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on September 26, 1991, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions in MUR 3157:

1. Find reason to believe that the Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer, violated 2 U.S.C. § 434(b)(4)(A) and § 439(a)(1); and find reason to believe that the Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer, violated 2 U.S.C. § 441b(a) in connection with the Community Consultants violation.

2. Find reason to believe that Community Consultants violated 2 U.S.C. § 441b(a).

(continued)

3. Find no reason to believe that the University of Missouri at St. Louis violated 2 U.S.C. § 441b(a).

4. Find no reason to believe that the North Area Cable Television Authority violated 2 U.S.C. § 441b(a).

5. Find no reason to believe that the North Area Community Access Board violated 2 U.S.C. § 441b(a).

6. Find no reason to believe that the Greenberg Lake Analysis Group violated the Act.

7. Find no reason to believe that STOP! PAC and Carol Rogers, as treasurer, violated the Act.

8. Direct the General Counsel to send appropriate letters and Factual and Legal Analyses pursuant to the actions noted above.

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

Attest:

9-30-91
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter Of	)	
	)	
The Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer; Community Consultants; North Area Cable Television Authority ("NACTA"); North Area Cable Access Board ("NACAB"); James Fay; University of Missouri-St. Louis	)	MUR 3157

GENERAL COUNSEL'S REPORT

I. DISCUSSION

On September 26, 1991, the Commission voted to find reason to believe that Community Consultants, Inc. violated 2 U.S.C. § 441b(a) by making prohibited in-kind contributions to the Joan Kelly Horn For Congress Committee. Accordingly, the Commission found reason to believe that the Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer (the "Committee"), violated 2 U.S.C. § 441b(a) by accepting these prohibited corporate contributions.

The First General Counsel's Report in this matter, dated September 13, 1991, concluded that these contributions consisted of the Committee's use of corporate office equipment, a corporate car and corporate office space. Although the Commission found reason to believe against Community Consultants and the Committee, it was apparent during the Commission's September 26, 1991 discussion that the Commission did not include the office space issue within this finding. Given the possibility of a misinterpretation, we are submitting the attached revised Factual and Legal

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Analyses for both the Committee and Community Consultants for Commission review. The revised Factual and Legal Analyses are identical to those previously approved by the Commission except that the analysis of the office space issue has been deleted.[1]

Additionally, on September 26, 1991, the Commission rejected this Office's recommendation to find reason to believe that NACTA, NACAB and the University of Missouri-St. Louis violated 2 U.S.C. § 441b(a) by making a prohibited corporate contribution to the Joan Kelly Horn For Congress Committee in the form of a cable program and instead determined to find no reason to believe NACTA, NACAB and the University of Missouri-St. Louis violated 2 U.S.C. § 441b(a).

Although the Commission directed the Office of the General Counsel to send appropriate notification letters for the above actions, the file was never formally closed with regard to NACTA, NACAB, and the University of Missouri-St. Louis. Therefore, this Office recommends that the Commission close the file with regard to NACTA, NACAB and the University of Missouri-St. Louis.

Furthermore, no finding was made as to James Fay, a salaried faculty member of the University of Missouri-St. Louis and the Chairman of NACTA, as this Office

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1. References to the alleged violation involving candidate Horn's appearance on a television program, with respect to which the Commission found no reason to believe any violations occurred, have also been deleted from the Committee's Factual and Legal Analysis. This Office is presently preparing a proposed Statement of Reasons with respect to this latter issue.

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opted to make no recommendation with regard to Fay pending an investigation. Nevertheless, a no reason to believe finding with regard to NACTA, NACAB and the University of Missouri-St. Louis consequently terminates all questions with regard to Mr. Fay. Therefore, this Office recommends that the Commission find no reason to believe that James Fay violated the Federal Election Campaign of 1971, as amended (the "Act"), and close the file with respect to James Fay.

Lastly, the First General Counsel's Report recommended that the Commission find no reason to believe that STOP! PAC and the Greenberg Lake Analysis Group violated the Act, however the report did not include recommendations to close the file with regard to those respondents. Therefore, this Office recommends that the Commission close the file with regard to STOP! PAC and the Greenberg Lake Analysis Group.

II. RECOMMENDATIONS

1. Find no reason to believe that James Fay violated the Act.

2. Close the file with respect to NACTA, NACAB, the University of Missouri-St. Louis, James Fay, STOP! PAC, and the Greenberg Lake Analysis Group.

3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

10/22/91
Date

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

Attachments
Factual and Legal Analyses

Staff Assigned: Dodie C. Kent

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer; Community Consultants; North Area Cable Television Authority ("NACTA"); North Area Cable Access Board ("NACAB"); James Fay; University of Missouri-St. Louis.	)	MUR 3157

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 25, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3157:

1. Find no reason to believe that James Fay violated the Act.

2. Close the file with respect to NACTA, NACAB, the University of Missouri-St. Louis, James Fay, STOP! PAC, and the Greenberg Lake Analysis Group.

(continued)

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3. Approve the appropriate letters, as recommended in the General Counsel's Report dated October 22, 1991.

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

Attest:

10-25-91
Date

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Tues.,	Oct. 22, 1991	4:30 p.m.
Circulated to the Commission:	Wed.,	Oct. 23, 1991	11:00 a.m.
Deadline for vote:	Fri.,	Oct. 25, 1991	11:00 a.m.

bjf

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 1991

Adrian E. Herbst
Moss & Barnett
4800 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4119

RE: MUR 3157
NACTA, NACAB, James Fay

Dear Mr. Herbst:

On November 8, 1990, the Federal Election Commission notified your clients, the North Area Cable Television Authority, the North Area Cable Access Board and James Fay, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On September 26, 1991, the Commission found, on the basis of the information in the complaint and information provided by you, that there is no reason to believe that NACTA and/or NACAB violated the Act. Additionally, on October 25, 1991, the Commission found that there is no reason to believe that James Fay violated the Act and closed the file in this matter as it pertains to NACTA, NACAB and James Fay.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 1991

Phillip J. Hoskins, Esq.
227 University Hall
Columbia, MO 65211

RE: MUR 3157
University of Missouri at
St. Louis

Dear Mr. Hoskins:

On November 8, 1990, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On September 26, 1991, the Commission found, on the basis of the information in the complaint and information provided by you, that there is no reason to believe the University of Missouri at St. Louis violated the Act. Accordingly, the Commission closed its file in this matter as it pertains to the University of Missouri at St. Louis on October 25, 1991.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 1991

Donita B. Hicks, Executive Director
Greenberg Lake Analysis Group
515 Second Street, N.E.
Washington, D.C. 20002

RE: MUR 3157
Greenberg Lake Analysis Group

Dear Ms. Hicks:

On June 19, 1991, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On September 26, 1991, the Commission found, on the basis of the information in the complaint and information provided by you, that there is no reason to believe Greenberg Lake Analysis Group violated the Act. Accordingly, the Commission closed its file in this matter as it pertains to the Greenberg Lake Analysis Group on October 25, 1991.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

92040904761

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 1991

Jean S. Berg, Director
Stop! Political Action Committee
218 Delaware, Suite 107
Kansas City, MO 64105

RE: MUR 3157
Stop! PAC

Dear Ms. Berg:

On November 8, 1990, the Federal Election Commission notified Stop! PAC and Carol Rogers, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On September 26, 1991, the Commission found, on the basis of the information in the complaint and information provided by you, that there is no reason to believe Stop! PAC violated the Act. Accordingly, the Commission closed its file in this matter as it pertains to Stop! PAC and Carol Rogers on October 25, 1991.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 1991

Patricia D. Gray, Esq.
Rosenblum, Goldenhersh, Silverstein & Zafft
7733 Forsyth Boulevard, Suite 400
St. Louis, MO 63105-1817

RE: MUR 3157
Joan Kelly Horn For Congress
Committee and Peter McMillan,
as treasurer

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Dear Ms. Gray:

On November 8, 1990, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you and your clients, the Commission, on September 26, 1991, found that there is reason to believe the Joan Kelly Horn For Congress Committee (the "Committee") and Peter McMillan, as treasurer, violated 2 U.S.C. §§ 434(b)(4)(A), 439(a)(1) and 441b(a), provisions of 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 Peter McMillan, 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 along with answers to the enclosed questions within 15 days of 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 Peter McMillan, 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.

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 matter to be made public.

If you have any questions, please contact Dodie C. Kent, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Questions
Factual & Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3157
)

INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability

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to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was

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prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

Questions and Document Requests For the Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer (the "Committee"):

1. Has the Committee purchased any office equipment from Community Consultants, Inc.?

(a) If so, provide a list of all such equipment, together with the date(s) of purchase, the purchase price(s) and the method(s) of payment.

(b) If so, provide the relevant sales receipts and any documents which in any way relate or refer to the transfer of said equipment from Community Consultants to the Committee.

2. State the year and make of the car which was (is) owned by Community Consultants and used by Joan Kelly Horn during her 1990 campaign.

3. Describe the monetary arrangement between Joan Kelly Horn and Community Consultants regarding Ms. Horn's personal use of said car during her 1990 campaign effort. Include a list of all relevant payments and payment dates.

4. Describe the monetary arrangement(s) between Joan Kelly Horn and Community Consultants regarding Ms. Horn's personal use of any Community Consultants' car prior to her 1990 campaign effort. Again, include a list of all relevant payments, payment dates and the year and make of the car(s) (if different from Question #2).

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer MUR: 3157

A. Prohibited Contributions

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act"), it is unlawful for a corporation to make a contribution or expenditure in connection with any election for Federal Office or for any candidate, political committee, or other person to knowingly accept such a contribution. 2 U.S.C. § 441b(a). For purposes of this section, a "contribution or expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to Federal office. 2 U.S.C. 441b(b)(2).

1. Greenberg Lake Analysis Group, Inc.

This matter was generated by a complaint filed by the Missouri republican Party. Complainant makes eight allegations, the first of which contends that the Greenberg Lake Analysis Group, Inc., a Washington, D.C. survey and focus group, conducted a poll for the Joan Kelly Horn For Congress Committee, which was provided to the campaign free of charge. In this regard, the complaint maintains that the cost of the poll was never reflected either as a disbursement

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or outstanding obligation in any of the Committee's reports. The complaint further contends that the fair market value of such a poll is between $6,000 and $7,000.

In response, the Committee confirmed that the Greenberg Lake Analysis Group conducted a poll on the Committee's behalf. However, the Committee states that the Greenberg Lake Analysis Group was paid and said payment is reflected in the Committee's amended 1990 July Quarterly Report. The Greenberg Lake Analysis Group's response mirrors the Committee's. Both the Committee and the Greenberg Lake Analysis Group attached copies of the payment checks to their responses.

A review of the Committee's amended 1990 July Quarterly Report, filed on November 6, 1990,[1] reveals that the Greenberg Lake Analysis Group was paid consulting fees of $3,000 and $4,750 on April 10, 1990 and May 1, 1990, respectively. Copies of the checks provided by both respondents correspond with these amounts. Hence, although no invoices were provided, based on the Committee's sworn representation that these payments were for the poll, it appears that the Committee has compensated Greenberg Lake Analysis Group, Inc. for its services. Furthermore, the total amount of the reported payments actually exceed the alleged value of the poll. Therefore, it appears that

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1. The report was filed after the administrative complaint was received by the Commission but preceding our notification of the respondents. It is unknown whether the Committee was aware of the complaint prior to filing the amended report.

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Greenberg Lake Analysis Group, Inc. was adequately compensated. Based on the foregoing, there is no reason to believe that the Joan Kelly Horn For Congress Committee violated 2 U.S.C. § 441b(a) with regard to the Greenberg Lake Analysis poll.

However, if the Greenberg Lake Analysis Group was paid in April and May 1990, it appears that the Committee failed to timely disclose those disbursements. In this regard, although the disbursements should have been disclosed on the 1990 July Quarterly Report, due July 15, 1990, the Committee did not disclose the disbursements until November 6, 1990, on an amended July Quarterly Report. Therefore, there is reason to believe to believe that the Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer, violated 2 U.S.C. § 434(b)(4)(A) by failing to timely disclose disbursements made to the Greenberg Lake Analysis Group.

2. <u>STOP! PAC</u>

According to the complaint's second allegation, the Committee obtained a list of over 25,000 names of individuals in the Missouri's Second Congressional District from STOP! PAC, a committee dedicated to stopping government interference.

The complaint contends that STOP! PAC circulated a petition in the State of Missouri, in an attempt to put an abortion regulation statute on the November 1990 Missouri ballot. According to the complainant, although the list fell short of the required number of signatures for certification,

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it is estimated that 25,000 or more names from the Second Congressional District were procured by STOP! PAC and, in turn, provided to the Horn Committee. In support of this assertion, the complainant states that the Missouri Republican Party knows individuals who signed the petition and believe their names were subsequently provided to the Committee. To bolster this theory, the complainant provided an affidavit from Erica Lea Towns who claims that she signed a petition for STOP! PAC and shortly thereafter began receiving campaign literature from the Committee. Since Ms. Towns claims to have never signed any other petitions, the affiant contends that the only place the Committee could have gotten her name was from STOP! PAC. The complaint maintains that the cost of the list was not disclosed on the Committee's reports as either a contribution, disbursement or outstanding obligation. The complaint then asserts that the list constituted an in-kind contribution by STOP! PAC in excess of STOP! PAC's $5,000 contribution limit.[2]

In response, the Committee states, under oath, that the Committee "at no time requested, received or to its knowledge used names from the initiative petition circulated by Stop-Pac (sic)." The Committee further states that "[i]ndividuals, however, did provide the Committee with names of their friends who they felt would support Joan Horn's

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2. It should be further noted STOP! PAC is not a federal committee registered with the Commission, but rather appears to be a state political committee which is registered and incorporated in Missouri.

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candidacy." Id. STOP! PAC's sworn response similarly denies that STOP! PAC ever provided a list to the Committee. STOP! PAC further notes that it has never provided a list -- in any form -- to any campaign.

Based on the parties' sworn denials to the allegations, together with the fact that the information provided by Ms. Towns' affidavit is far from conclusive evidence,[3] there is no reason to believe that the Joan Kelly Horn For Congress Committee violated the Act, with respect to this allegation.

3. Community Consultants, Inc.

The complaint's third, fourth and fifth allegations allege prohibited contributions by Community Consultants, Inc., a Missouri corporation for which Joan Kelly Horn serves as the president and registered agent. The complaint contends that the Committee possesses two computers, two printers and a Canon copy machine for which the Committee has never reported purchase or rental disbursements on its reports or listed as outstanding obligations. Complainant believes that the equipment is owned, leased or rented by Community Consultants, thus constituting a prohibited corporate contribution. The complaint further contends that the car which Joan Kelly Horn used during the course of her campaign was also owned by Community Consultants, yet a disbursement(s) for the use of the car is, again, not

3. The Committee could have gotten Ms. Towns' name from a variety of other sources, including people familiar with the Horn campaign who thought Ms. Towns might be a interested in supporting Horn.

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reported on the Committee's disclosure reports. Hence, another prohibited corporate contribution may have occurred.

In response to the allegation regarding the office equipment, the responses by the Committee and Joan Kelly Horn, as President of Community Consultants, both state that one computer and one printer were purchased from Community Consultants by the Committee. Ms. Horn attached the invoices for the purchases, as well as the Committee's payment checks, to her response. The Committee further claims that the relevant disbursements were reported on the amended 1990 July Quarterly. Indeed, the amended 1990 July Quarterly Report does reveal three disbursements to Community Consultants on April 6, 1990, April 18, 1990, and April 22, 1990 in the amounts of $701.20, $307.85 and $988.35, respectively. Neither of the respondents address the second computer and printer nor the Canon copy machine mentioned in the complaint.

A review of the receipts and payment checks provided by both the Committee and Community Consultants is puzzling. Although respondents contend that the equipment was sold by Community Consultants to the Committee, the companies listed at the top of the invoices, which purportedly document the sales, are Custom Computer Services and Automation Services Company, not Community Consultants. Although both invoices are dated in January 1990, according to the Committee's reports, the equipment was paid for in April 1990. Indeed, the invoice for the printer is marked "Paid" on January 16,

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1990, yet the check provided by the Committee as corresponding to payment for the printer is dated April 22, 1990. Furthermore, the check for the computer is clearly marked "reimburse[ment]."

Based on the two invoices and the checks provided, it appears that Community Consultants acted as an intermediary between the Committee and the retailers by fronting the money for at least some of the Committee's office equipment and later being reimbursed. Indeed, Pat Gray, counsel for the Joan Kelly Horn For Congress Committee, informed a staff member of this Office in a July 8, 1991 telephone conversation that the computer and printer were purchased by Community Consultants and, in turn, sold to the Committee. There is no indication that Community Consultants is either a commercial vendor or that the extension of credit here was in the ordinary course of its business. Therefore, it seems that a prohibited corporate contribution occurred with regard to the Committee's office equipment and Community Consultants' role in its purchase.

In response to the allegation regarding Joan Kelly Horn's use of Community Consultants' car during her election, Ms. Horn stated that Community Consultants is traditionally reimbursed for use of the company car on a 75% company use-25% personal use basis. In 1990, however, Ms. Horn states that she instructed Community Consultants' accountant to implement a 75% personal use-25% company use ratio. Aside from this assertion, no attempt is made to justify the

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application of this formula. No information is provided regarding the reasons this arbitrary formula was selected nor is any indication given concerning whether the actual use of the car corresponded with prior expectations. Furthermore, although the Committee's disclosure reports list several disbursements to Community Consultants by the Committee, the disbursement(s) for the use of the car are not individually identified.[4] Hence, there is no hard evidence that the payment(s) for the use of the car was ever made. Indeed, Community Consultants' response never claims that such payment occurred. Instead, the corporation's response only states: "For 1990, our accountant has been instructed to switch this to a 75% personal, 25% company ratio (emphasis added)." In any event, there is no indication that Community Consultants is a commercial vendor nor that the extension of credit was in the ordinary course of business. Therefore, it appears that a violation may have occurred with respect to Joan Kelly Horn's use of Community Consultants' car for the duration of her campaign.

Therefore, there is reason to believe that the Joan Kelly Horn For Congress Committee violated 2 U.S.C. § 441b(a) by accepting prohibited contributions to the Joan Kelly Horn For Congress Committee in the form of office

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4. As previously discussed, at least two of the reported payments to Community Consultants correspond to the computer equipment. Furthermore, the Committee's reports do not denote disbursements to and/or in-kind contributions by Joan Kelly Horn, personally, with regard to the car.

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equipment and the use of Community Consultants' corporate car.

B. State Office Filings

Pursuant to 2 U.S.C. § 439(a)(1), a copy of each report and statement required to be filed by any person under the Act must be filed by such person with Secretary of State (or equivalent state officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports.

The complaint's eighth and final allegation maintains that the Committee untimely filed its 1989 Year End Report and Ms. Horn's Ethics statement with Missouri's Secretary of State. The Committee further contends that Committee failed to file its April Quarterly Report with that same office.

A candidate's Ethics statement does not fall within the jurisdiction of the Commission; consequently, the Commission will not address that portion of the complaint's allegations.

Missouri's Secretary of State confirms that the Committee did not file its 1989 Year End Report in that office until February 16, 1990. That report should have been filed no later than January 31, 1990. Missouri's Secretary of State indicates that the Committee's 1990 April Quarterly Report was filed in that office on April 17, 1990. That report should have been filed no later than April 15, 1990.

Therefore, there is reason to believe that the the Joan Kelly Horn For Congress Committee and Peter McMillan, as treasurer, violated 2 U.S.C. § 439(a)(1) by failing to timely

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file both the Committee's 1989 Year End Report and 1990 April Quarterly Report with Missouri's Secretary of State.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 1991

Joan Kelly Horn, President
Community Consultants
8570 Colonial Lane
St. Louis, MO 63124

RE: MUR 3157
Community Consultants

Dear Ms. Horn:

On November 8, 1990, the Federal Election Commission notified you, as President and Registered Agent of Community Consultants, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on September 26, 1991, found that there is reason to believe Community Consultants violated 2 U.S.C. § 441b(a), a provision of 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 Community Consultants. 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 along with answers to the enclosed questions within 15 days of 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 Community Consultants, 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

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so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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

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

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Dodie C. Kent, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Questions
Procedures
Designation of Counsel Form
Factual & Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 3157
)

INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Community Consultants

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability

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to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was

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prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

Questions and Document Requests to Community Consultants, Inc.:

1. Has Community Consultants sold any office equipment to the Joan Kelly Horn For Congress Committee (the "Committee").?

   (a) If so, provide a list of all such equipment, together with the date(s) of purchase, the purchase price(s) and the method(s) of payment.

   (b) If so, provide the relevant sales receipts and any documents which in any way relate or refer to the transfer of said equipment from Community Consultants to the Committee.

2. State the year and make of the car which was (is) owned by Community Consultants and used by Joan Kelly Horn during her 1990 campaign.

3. Describe the monetary arrangement between Joan Kelly Horn and Community Consultants regarding Ms. Horn's personal use of said car during her 1990 campaign effort. Include a list of all relevant payments and payment dates.

4. Describe the monetary arrangement(s) between Joan Kelly Horn and Community Consultants regarding Ms. Horn's personal use of any Community Consultants' car prior to her 1990 campaign effort. Again, include a list of all relevant payments, payment dates and the year and make of the car(s) (if different from Question #2).

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Community Consultants, Inc. MUR: 3157

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act"), it is unlawful for a corporation to make a contribution or expenditure in connection with any election for Federal Office or for any candidate, political committee, or other person to knowingly accept such a contribution. 2 U.S.C. § 441b(a). For purposes of this section, a "contribution or expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to Federal office. 2 U.S.C. 441b(b)(2).

The complaint, filed by the Missouri Republican Party, alleges prohibited contributions by Community Consultants, Inc., a Missouri corporation for which Joan Kelly Horn serves as the president and registered agent. The complaint contends that the Committee possesses two computers, two printers and a Canon copy machine for which the Committee has never reported purchase or rental disbursements on its reports or listed as outstanding obligations. Complainant believes that the equipment is owned, leased or rented by Community Consultants, thus constituting a prohibited corporate contribution. The complaint further contends that the car which Joan Kelly Horn used during the course of her

92040907783

campaign was also owned by Community Consultants, yet a disbursement(s) for the use of the car is, again, not reported on the Committee's disclosure reports. Hence, another prohibited corporate contribution may have occurred.

In response to the allegation regarding the office equipment, the responses by the Committee and Joan Kelly Horn, as President of Community Consultants, both state that one computer and one printer were purchased from Community Consultants by the Committee. Ms. Horn attached the invoices for the purchases, as well as the Committee's payment checks, to her response. The Committee further claims that the relevant disbursements were reported on the amended 1990 July Quarterly. Indeed, the amended 1990 July Quarterly Report does reveal three disbursements to Community Consultants on April 6, 1990, April 18, 1990, and April 22, 1990 in the amounts of $701.20, $307.85 and $988.35, respectively. Neither of the respondents address the second computer and printer nor the Canon copy machine mentioned in the complaint.

A review of the receipts and payment checks provided by both the Committee and Community Consultants is puzzling. Although respondents contend that the equipment was sold by Community Consultants to the Committee, the companies listed at the top of the invoices, which purportedly document the sales, are Custom Computer Services and Automation Services Company, not Community Consultants. Although both invoices are dated in January 1990, according to the Committee's

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reports, the equipment was paid for in April 1990. Indeed, the invoice for the printer is marked "Paid" on January 16, 1990, yet the check provided by the Committee as corresponding to payment for the printer is dated April 22, 1990. Furthermore, the check for the computer is clearly marked "reimburse[ment]."

Based on the two invoices and the checks provided, it appears that Community Consultants acted as an intermediary between the Committee and the retailers by fronting the money for at least some of the Committee's office equipment and later being reimbursed. Indeed, Pat Gray, counsel for the Joan Kelly Horn For Congress Committee, informed a staff member of this Office in a July 8, 1991 telephone conversation that the computer and printer were purchased by Community Consultants and, in turn, sold to the Committee. There is no indication that Community Consultants is either a commercial vendor or that the extension of credit here was in the ordinary course of its business. Therefore, it seems that a prohibited corporate contribution occurred with regard to the Committee's office equipment and Community Consultants' role in its purchase.

In response to the allegation regarding Joan Kelly Horn's use of Community Consultants' car during her election, Ms. Horn stated that Community Consultants is traditionally reimbursed for use of the company car on a 75% company use-25% personal use basis. In 1990, however, Ms. Horn states that she instructed Community Consultants' accountant

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to implement a 75% personal use-25% company use ratio. Aside from this assertion, no attempt is made to justify the application of this formula. No information is provided regarding the reasons this arbitrary formula was selected nor is any indication given concerning whether the actual use of the car corresponded with prior expectations. Furthermore, although the Committee's disclosure reports list several disbursements to Community Consultants by the Committee, the disbursement(s) for the use of the car are not individually identified.[1] Indeed, Community Consultants' response never claims that such payment occurred. Instead, the corporation's response only states: "For 1990, our accountant has been instructed to switch this to a 75% personal, 25% company ratio (emphasis added)." In any event, there is no indication that Community Consultants is a commercial vendor nor that the extension of credit was in the ordinary course of business. Therefore, it appears that a violation may have occurred with respect to Joan Kelly Horn's use of Community Consultants' car for the duration of her campaign.

Therefore, there is reason to believe that Community Consultants, Inc. violated 2 U.S.C. § 441b(a) by making

---

1. As previously discussed, at least two of the reported payments to Community Consultants correspond to the computer equipment. Furthermore, the Committee's reports do not denote disbursements to and/or in-kind contributions by Joan Kelly Horn, personally, with regard to the car. Hence, there is no hard evidence that the payment(s) for the use of the car was ever made.

9204090478 6

prohibited contributions to the Joan Kelly Horn For Congress Committee in the form of office equipment and the use of Community Consultants' corporate car.

92040904787

OGC 3496

LAW OFFICES

ROSENBLUM, GOLDENHERSH, SILVERSTEIN & ZAFFT, P.C.

FOURTH FLOOR
7733 FORSYTH BOULEVARD
ST. LOUIS, MISSOURI 63105-1812
(314) 726-6868
FACSIMILE (314) 726-6786

STANLEY M. ROSENBLUM
ROBERT S. GOLDENHERSH
MERLE L. SILVERSTEIN
GENE M. ZAFFT
CARL C. LANG
RICHARD S. SENDER
MICHAEL A. MARKENSON
DAVID V. CAPES
MARK E. GOODMAN
PATRICIA D. GRAY
JAY A. NATHANSON
PAMELA D. PERDUE
ROBERT E. QUICKSILVER
RICHARD E. GREENBERG
BENNETT S. KELLER

ROGER HERMAN
LISA R. PERRY
DONN H. HERRING, JR.
THOMAS A. DUDA
ADAM E. MILLER
PAUL G. KLUG

November 21, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 NOV 21 PM 7:00

General Counsel's Office
Federal Election Commission
999 E Street, N.W.
Room 657
Washington, D.C. 20463

Attn: Dodie C. Kent

Re: MVR 3157
Joan Kelly Horn for Congress
Committee and Peter McMillan
as Treasurer

Dear Ms. Kent:

On behalf of the Joan Kelly Horn for Congress Committee and Peter McMillan, I am requesting a one-week extension of time to respond to the Interrogatories and Request for Production of Documents and to provide additional information demonstrating that no further action should be taken against the Committee and Peter McMillan as Treasurer.

Your letter to me, dated November 12, 1991, was received by my office in St. Louis, Missouri, on November 14, 1991, at which time, I was out of town. In order to assemble the documents and information you need, it will be necessary for Congresswoman Horn to return to St. Louis from Washington, D.C. We will need the Thanksgiving weekend to complete our response as Congresswoman Horn will be unable to obtain certain information until she returns to St. Louis.

As you were out of the office this week, I talked with your supervisor, Anne Weissenhorn, about the extension, and she indicated it would be granted upon receipt by you of this written request.

A Statement of Designation of Counsel is on file with your office.

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If you have any questions or need further information, please advise me immediately.

Very truly yours,

Patricia D. Gray

Patricia D. Gray

PDG/rf
cc: Peter McMillan
cc: Joan Kelly Horn
cc: Lisa S. Van Amburg
90859LE-1

92040904789

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 26, 1991

Patricia D. Gray, Esquire
Rosenblum, Goldenhersh, Silverstein & Zafft, P.C.
7733 Forsyth Boulevard, Fourth Floor
St. Louis, MO 63105-1812

RE: MUR 3157
Joan Kelly Horn For Congress
Committee and Peter McMillan,
as treasurer

Dear Ms. Gray:

This is in response to your letter dated November 21, 1991, which we received on that same date, requesting an extension of one week to respond to the Commission's reason to believe finding. 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 December 6, 1991.

If you have any questions, please contact Dodie C. Kent, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Anne Weissenborn
Acting Assistant General Counsel

9204090479 0

06C 3587

LAW OFFICES
ROSENBLUM, GOLDENHERSH, SILVERSTEIN & ZAFFT, P.C.
FOURTH FLOOR
7733 FORSYTH BOULEVARD
ST. LOUIS, MISSOURI 63105-1812
(314) 726-6868
FACSIMILE (314) 726-6786

STANLEY M. ROSENBLUM
ROBERT S. GOLDENHERSH
MERLE L. SILVERSTEIN
GENE M. ZAFFT
CARL C. LANG
RICHARD S. BENDER
MICHAEL A. MARKENSON
DAVID V. CAPES
MARK E. GOODMAN
PATRICIA D. GRAY
JAY A. NATHANSON
PAMELA D. PERDUE
ROBERT E. QUICKSILVER
RICHARD E. GREENBERG
BENNETT S. KELLER

DONN H. HERRING, JR.
THOMAS A. DUDA
ADAM E. MILLER
PAUL G. KLUG

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 DEC -2 PM 2:40

November 21, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 DEC -2 PM 2:40

92040047911

By Fax (202-219-3923)

General Counsel's Office
Federal Election Commission
999 E Street, N.W.
Room 657
Washington, D.C. 20463

Attn: Dodie C. Kent

Re: MUR 3157
Community Consultants

Dear Ms. Kent:

On behalf of Community Consultants and Joan Kelly Horn, its President, I am requesting a one week extension of time until December 6, 1991, to respond to the Interrogatories and Request for Production of Documents and to provide additional information demonstrating that no further action should be taken against Community Consultants with respect to the referenced matter. Your letter to Community Consultants requesting additional information was dated November 12, 1991.

In order to assemble the documents and information you need, it will be necessary for Congresswoman Horn to return to St. Louis from Washington, D.C. We will need the Thanksgiving weekend to complete the response as Congresswoman Horn will be unable to obtain the required information until she returns to St. Louis.

If you have any questions or need further information, please advise immediately.

Very truly yours,

Patricia D. Gray

Patricia D. Gray

PDG/rf
cc: Joan Kelly Horn
90859LE-3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 3, 1991

Patricia D. Gray, Esquire
Rosenblum, Goldenhersh, Silverstein & Zafft, P.C.
7733 Forsyth Boulevard, Fourth Floor
St. Louis, MO 63105-1812

RE: MUR 3157
Community Consultants

Dear Ms. Gray:

This is in response to your letter dated November 21, 1991, which we received on November 27, 1991, requesting an extension of one week to respond to the Commission's reason to believe finding in the above-captioned matter. 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 December 6, 1991.

If you have any questions, please contact Dodie C. Kent, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

Anne Weissenborn

BY: Anne Weissenborn
Acting Assistant General Counsel

92040904792

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3157

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 DEC -3 AM 10:49

NAME OF COUNSEL: Patricia D. Gray

ADDRESS: 7723 Forsyth
Su 400
St. Louis, MO 63105

TELEPHONE: 314-726-6868

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 DEC -3 PM 3:46

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.

11-29-91
Date

Joan Kelly Horn
Signature

RESPONDENT'S NAME: Community Consultants
Joan Kelly Horn Pres

ADDRESS: 8750 Colonial Lane
St. Louis, MO 63124

HOME PHONE: 843-7120

BUSINESS PHONE:

9204090479 3

NOV 29 '91 09:25 TO:99986666 FROM:ROSENBLUM/GOLDENBERG T-884 P.02

RESPONSE TO FACTUAL AND LEGAL ANALYSIS

Submitted by RESPONDENTS: Joan Kelly Horn for Congress Committee and Peter McMillan, as Treasurer
MUR: 3157

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 DEC -6 PM 2:37

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Introduction:

In its Factual and Legal Analysis, the Federal Election Commission suggests that there is reason to believe that the Joan Kelly Horn for Congress Committee (the "Committee") and Peter McMillan as Treasurer may have violated three provisions of the Federal Election Campaign Act of 1971.

A. Alleged failure to timely disclose disbursement violates 2 U.S.C. §434(b)(4)(A).

On April 10, 1990 and May 1, 1990, the Committee issued checks to Greenberg Lake Analysis Group as payment for professional services. Those two disbursements were unintentionally omitted from the initial quarterly report for the period ending June 30, 1990. An amended report was filed on October 29, 1990, which did reflect those disbursements. A committee has only 15 days to prepare and file the report of receipts and disbursements covering a 3-month period. Almost all entries made into the computer to generate reports are done by volunteer staff and occasionally mistakes are made. Peter McMillan as Treasurer, working as a volunteer, made every effort to timely file accurate and complete reports. Nevertheless because of the extremely limited time available to compile substantial amounts of informa-

tion, he found it necessary to review every report at length after filing and to file amendments where necessary to correct mistakes, including any inadvertent omissions. This omission was clearly accidental as there was no reason to intentionally omit these payments. In fact, the accidental omission resulted in a complaint that the Committee had taken an illegal corporate contribution by using a poll without compensating the company conducting the poll. Moreover, the treasurer did keep an account of these disbursements as well as cancelled checks and found the mistake in reviewing the records. It is clear that Peter McMillan used his best efforts to obtain, maintain and submit the information required by the Act for the Committee and thus is considered in compliance with the Act pursuant to 2 U.S.C. §432(i). Therefore, there is no reason to believe that the Committee violated 2 U.S.C. §434(b)(4)(A) and the Commission should take no action with respect to this matter.

B. Alleged prohibited corporate contribution violates 2 U.S.C. §441b(a).

1. Equipment. The complaint alleged that the Committee possessed two computers, two printers and a Canon copy machine, the purchases of which, according to the complaint, were not reported. The complaint further suggests that such equipment was owned by Community Consultants. The Committee bought one computer and one printer from Community Consultants. The Committee did not even have two printers. The Committee had for

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a short time a computer from a supporter who had asked if they wanted to try the computer, at which time, if it could be put in working order, the Committee could purchase it. The affidavit of the supporter is attached hereto as Exhibit A. In any event, the computer did not work and was returned to the contributor. A supporter was also going to throw away his nonworking Canon copier, and offered it to the Committee, to see if they could repair it. The Canon copier was worthless. Mark Stroker, a Committee staffer, essentially rebuilt the copier and for a short time it made marginally adequate copies at an extraordinarily high maintenance cost. Mark Stroker's affidavit is attached hereto as Exhibit B. As the above described computer and copier had no value, the Committee was not required to report them and no violation of the Act occurred with respect to said equipment.

With respect to the one computer and the one printer which the Committee bought from Community Consultants (hereinafter the "Corporation"), it is not the case that a prohibited corporate contribution occurred with regard to the Committee's purchase of office equipment from Community Consultants. The Commission is alleging that credit was extended by the Corporation and because Community Consultants was neither a commercial vendor nor involved in the extending of credit in its ordinary course of business, a prohibited corporate contribution occurred.

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Joan Kelly Horn and her husband, Terry Jones, are the sole shareholders of the Corporation. The Corporation purchased both the computer and the printer for use by the Corporation. The Corporation previously had no computer or printer for corporate business. These two items were purchased for $634.45.

Joan Kelly Horn and the Committee are permitted to make use of corporate facilities as long as the Corporation is reimbursed in a commercially reasonable time for the normal and usual rental charge. 11 CFR §114.9(a)(2) and 11 CFR §114.9(d). As a stockholder, Joan Kelly Horn, is only required to reimburse the corporation for occasional use to the extent corporate overhead is increased. 11 CFR §114.9(a). The equipment was ordered and paid for by the Corporation in January of 1991. Copies of the corporate checks are attached hereto as Exhibit C.

There are no prohibitions on renting or purchasing equipment from a corporation as long as a normal and reasonable charge is paid and in a commercially reasonable time. At all times, it was understood that the Committee would reimburse the Corporation for its use of the computer and printer. The Committee chose to purchase rather than rent the equipment, because it simplified bookkeeping. The process of determining the fair market value of such a nominal piece of equipment and allocating use between the Committee and the Corporation appeared monumental.

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The Committee paid full fair market value for the two pieces of equipment and paid that amount within a commercially reasonable period. The Committee first used the equipment in question in February of 1990. Payment was made approximately 60 days after the first use. Clearly this is a commercially reasonable time. The suggestion that the Corporation was extending credit is ludicrous. The Committee had ample funds in January of 1990 to purchase a $300.00 computer and a $334.00 printer.

The Committee paid for the computer by check dated 4/6/90 in the amount of $701.22 and for the printer by check dated 4/22/90 in the amount of $988.38, copies of which are attached hereto as Exhibit D. Each check included payments reimbursing the Corporation for supplies used by the Committee as required by 11 CFR §114.9(a)(2). The Committee did not receive receipts from the Corporation.

The Committee was clearly complying with the applicable law and regulations by paying full fair market value for the equipment purchased and making such payment in a commercially reasonable time.

2. Use of Automobile. Joan Kelly Horn's personal use of Community Consultants' automobile was treated as additional compensation to Joan Kelly Horn and reported on her W-2 for 1990 as wages. Her W-2 is attached together with relevant portion of the Corporation's tax return for 1990 as Exhibit E. The amount

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on the attached W-2 exceeds the cash compensation paid to Ms. Horn by $2,000.00. If required all checks for 1991 can be produced. The use of the car was not a contribution of the Corporation as the use was correctly treated as earned income to Ms. Horn and thus personal use and not a prohibited contribution.

C. Alleged failure to timely file reports with Missouri Secretary of State violates 2 U.S.C. §439(a)(1).

1. 1989 Year End Report. The complaint alleges that the Committee untimely filed its 1989 year end report with the Missouri Secretary of State. The report should have been filed no later than January 31, 1990. The 1989 year end report was filed on January 31, 1990. 11 CFR §104.5(e) provides that a "...report...sent by registered or certified mail shall be considered filed on the date of the U.S. postmark..." A copy of the receipt for certified mail, for the year end report, bearing a U.S. postmark date of January 31, 1990, together with the return receipt evidencing receipt by the Secretary of State dated February 1, 1990, is attached hereto as Exhibit F and confirms that the Year End Report was timely filed, notwithstanding any information to the contrary from the Missouri Secretary of State's Office.

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2. 1990 April Quarterly Report. The only other report in question was the quarterly report due Sunday, April 15, 1990. As that report was due on Sunday, it was mailed to the Missouri Secretary of State on Monday, April 16, 1990. The receipt for certified mail for said report bearing a U.S. postmark dated April 16, 1990 is attached hereto as Exhibit [illegible]. The filing date was listed as April 15th, a day when the report could not be filed. In filing this report on Monday, April 16, 1990, Peter McMillan used his best efforts to submit the information required by the Act and so should be considered in compliance with the Act pursuant to 2 U.S.C. §432(i).

In conclusion, it is clear that there is no reason to believe that the Joan Kelly Horn for Congress Committee and Peter McMillan as Treasurer violated any provisions of the Federal Election Campaign Act of 1971.

Respectfully submitted,

PATRICIA D. GRAY
ROSENBLUM, GOLDENHERSH,
SILVERSTEIN & ZAFFT, P.C.
7733 Forsyth, 4th Floor
St. Louis, Missouri 63105

90859RS/rf

92040904800

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

JOAN KELLY HORN, of lawful age, first being duly sworn and upon her oath, states that the Answers to the foregoing Response to Factual and Legal Analysis are true and correct according to her best knowledge, information and belief.

Joan Kelly Horn
JOAN KELLY HORN

Subscribed and sworn to before me, a Notary Public, this 4th day of December 1991.

Patricia D. Gray
Notary Public

My commission expires: PATRICIA D. GRAY
Notary Public-State of Missouri
My Commission Expires March 17, 1994

92040904801

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

PETER McMILLAN, of lawful age, first being duly sworn and upon his oath, states that the Answers to the foregoing Response to Factual and Legal Analysis are true and correct according to his best knowledge, information and belief.

PETER McMILLAN

Subscribed and sworn to before me, a Notary Public, this 4th day of December 1991.

Notary Public

PATRICIA D. GRAY
Notary Public-State of Missouri
My Commission Expires March 17, 1994

My commission expires: _____

9204090480 2

EXHIBIT A

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

AFFIDAVIT

The undersigned being duly sworn upon his oath states as follows:

Affiant resides at 1022 East Linden in the County of St. Louis, State of Missouri.

Affiant states that he had a used IBM personal computer which he offered to the Joan Kelly Horn for Congress Committee, to see if it would be helpful to the Committee, and if so, he would be willing to sell it to the Committee. The computer, in fact, did not work and could not be repaired. After repeated unsuccessful efforts over a period of time to repair the computer, it was returned to Affiant.

HARRY KING

Subscribed and sworn to before me this 3rd day of December, 1991.

Lori S. Dewey
Notary Public

My term expires: 12-26-94

LORI S. DEWEY
NOTARY PUBLIC—STATE OF MISSOURI
ST LOUIS COUNTY
MY COMMISSION EXPIRES DEC. 26, 1994

90859AF/rf

9204090483

EXHIBIT B 1

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

AFFIDAVIT

The undersigned being duly sworn upon his oath states as follows:

Affiant resides at 527 Holiday in the County of St. Louis, State of Missouri.

The Joan Kelly Horn for Congress Committee (the "Committee") received in the early part of 1990 from a contributor a Canon Desktop Copier, which the contributor indicated he was going to throw away, but if the Committee wanted to try to repair it, they could have it. The Canon Copier was worthless. Affiant was required to essentially rebuild the copier in order to get it into working order, at which time it made only marginally adequate copies and required very high maintenance costs. The Canon Copier referred to in the Complaint clearly had no value, and only through the hours Affiant voluntarily spent rebuilding the copier was it able to work. Costs for parts to repair were reported. If instead of using volunteer labor, the Committee had paid to have the copier rebuilt, then this would have shown as an expenditure in the reports. Absent rebuilding, the copier was worthless. The expenses of maintaining that copier are shown on

92040904804

the reports. The copier was replaced by a rental copier within a few months.

MARK STROKER

Subscribed and sworn to before me this 30th day of November, 1991.

Notary Public

My term expires: _____

PATRICIA D. GRAY
Notary Public-State of Missouri
My Commission Expires March 17, 1994

92040904805

90859AF-1/rf

EXHIBIT C 1

COMMUNITY CONSULTANTS, INC.
8570 COLONIAL LANE 692-7596
ST. LOUIS, MO 63124

452

1/3 19 90 80-28/610

PAY TO THE ORDER OF Custom Computer Services $ 300.00

three hundred & no/100 DOLLARS

First National Bank
17107 Roosevelt Boulevard
Clayton, Missouri 63105

MEMO

James K Hom

⑆081004601⑆ ⑈137302⑈ 0452 ⑈0000030000⑈

ENDORSE HERE

X

PAY TO THE ORDER OF
CAPITAL BANK & TRUST
FOR DEPOSIT ONLY
CUSTOM COMPUTER SERVICES
1003992

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

01-05-90 010020120 0
P E I P 01-05-90
CHICLE 30

JA '90 04

031000210

▶081005464◀
CAPITAL EX & TR.
COMPANY - CLAYTON
ST. LOUIS, MO

⑈121131824

9204090480 6

COMMUNITY CONSULTANTS, INC.
8570 COLONIAL LANE 892-7586
ST. LOUIS, MO 63124

458

1/16 19 90

PAY TO THE ORDER OF ASC $ 334

three hundred thirty four & 45/100 DOLLARS

First National Bank

MEMO

⑆081000601⑆ ⑈137302⑈ 0458 ⑈0000033445⑈

ENDORSE HERE

FOR DEPOSIT ONLY
PAY TO THE ORDER OF

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
(RESERVED FOR FINANCIAL INSTITUTION USE)

JAN 19 90

CAPE COUNTY BANK
JACKSON, MO 63755

081503199

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01-22-90

03283333

081000032

01-20-90

FEDERAL RESERVE BOARD OF GOVERNORS RES

9 2 0 4 0 9 0 4 8 0 7

EXHIBIT D

1068

JOAN KELLY HORN FOR CONGRESS
5570 COLONIAL LANE PH. 314-962-7500
ST. LOUIS, MO 63124

4/22 19 90

PAY TO THE ORDER OF Community Consultants Inc $ 988.50

nine hundred eighty-eight & 35/100 DOLLARS

Landmark Bank

FOR Printing, Fax, supplies

Joan Kelly Horn

⑈001068⑈ ⑆081016932⑆ 051028907⑈ ⑈0000098835⑈

1048

JOAN KELLY HORN FOR CONGRESS
5570 COLONIAL LANE PH. 314-962-7500
ST. LOUIS, MO 63124

4/6 19 90

PAY TO THE ORDER OF Community Consultants Inc $ 701.22

seven hundred and 22/100 DOLLARS

Landmark Bank

FOR Reimburse for expenses + Computer

Joan Kelly Horn

⑈001048⑈ ⑆081016932⑆ 051028907⑈ ⑈0000070122⑈

OBC 3651

LAW OFFICES
ROSENBLUM, GOLDENHERSH, SILVERSTEIN & ZAFFT, P.C.
FOURTH FLOOR
7733 FORSYTH BOULEVARD
ST. LOUIS, MISSOURI 63105-1812
(314) 726-6868
FACSIMILE (314) 726-6786

STANLEY M. ROSENBLUM
ROBERT S. GOLDENHERSH
MERLE L. SILVERSTEIN
GENE M. ZAFFT
CARL C. LANG
RICHARD B. BENDER
MICHAEL A. MARKENSON
DAVID V. CAPES
MARK E. GOODMAN
PATRICIA D. GRAY
JAY A. NATHANSON
PAMELA D. PERDUE
ROBERT E. QUICKSILVER
RICHARD E. GREENBERG
BENNETT B. KELLER

ROGER HERMAN
LOUIS R. PERRY
DONN H. HERRING, JR.
THOMAS A. DUDA
ADAM E. MILLER
PAUL G. KLUG

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 DEC -6 AM 11:07

December 5, 1991

EXPRESS MAIL -
RETURN RECEIPT REQUESTED

General Counsel's Office
Federal Election Commission
999 E Street, N.W.
Room 657
Washington, D.C. 20463

Attn: Dodie C. Kent

Re: MUR3157
Joan Kelly Horn for Congress
Committee and Peter McMillan
as Treasurer

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 DEC -6 PM 2:37

Dear Ms. Kent:

I enclose herewith verified answers to the Interrogatories and Request for Production of Documents and a verified response to the Commission's Factual and Legal Analysis.

If you have any questions or need further information, please advise immediately.

Very truly yours,

Patricia D. Gray

Patricia D. Gray

PDG/rf
cc: Peter McMillan
cc: Joan Kelly Horn
cc: Lisa S. Van Amburg
90859LE

92040904809

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:	)	
	)	
Joan Kelly Horn for Congress Committee and Peter McMillan as Treasurer	)	MUR3157

1. Has the Committee purchased any office equipment from Community Consultants, Inc.

ANSWER: Yes

(a) If so, provide a list of all such equipment, together with the date(s) of purchase, the purchase price(s) and the method(s) of payment.

ANSWER:

	Equipment	Date of Purchase	Purchase Price	Purchase Method
1)	DTK Turbo XT Computer Serial #608051 with Hardisk, Monitor and Keyboard	04-06-90	$300.00	By check dated 4-6-90 in amount of $701.22 which included payment for reimbursement for other supplies used
2)	Panasonic Printer 1191	04-22-90	$334.45	By check dated 4-22-90 which included reimbursement for other supplies

(b) The only documentation relating to these purchases is as follows:

1. Invoice #3171 from Custom Computer Services to Joan Horn for computer.

2. Check dated 1/3/91 from Community Consultants Inc. to Custom Computer Services in the amount of $300.00.

92040904810

3. Check dated 4/6/90 from Committee to Community Consultants includes payment for computer.

4. Invoice #2762 to Joan Kelly Horn from ASC dated 1/5/90 for printer.

5. Check dated 1/16/91 from Community Consultants Inc. to ASC in the amount of $334.45 for printer.

6. Check dated 4/22/90 from Committee to Community Consultants includes payment for printer.

2. State the year and make of the car which was (is) owned by Community Consultants and used by Joan Kelly Horn during her 1990 campaign.

ANSWER: 1987 Chrysler LeBaron

3. Describe the monetary arrangement between Joan Kelly Horn and Community Consultants regarding Ms. Horn's personal use of said car during her 1990 campaign effort. Include a list of all relevant payments and payment dates.

ANSWER: Ms. Horn's personal use of the automobile was treated as compensation to Ms. Horn. The personal use of the automobile was valued at $2,000.00 and was taxed to Ms. Horn as compensation as shown on her Form W-2 reflecting wages in the amount of $21,000.00, which included $2,000.00 in non cash payments for use of the automobile. Also attached is copy of IRC Form 4562 attached to Community Consultants Inc. 1120S (Corporate Income Tax Return) for 1990 showing personal use mileage versus corporate use. All corporate salary checks if necessary can be produced verifying cash versus non cash wages.

92040904811

4. Describe the monetary arrangement(s) between Joan Kelly Horn and Community Consultants regarding Ms. Horn's personal use of any Community Consultants' car prior to her 1990 campaign effort. Again, include a list of all relevant payments, payment dates and the year and make of the car(s) (if different from Question #2).

ANSWER: Prior to her 1990 campaign, Joan Kelly Horn used the corporate automobile primarily for corporate business. Personal use of the automobile accounted for approximately 25% of the annual use and such use was reimbursed to corporation by off-setting from amounts Ms. Horn personally advanced Corporation. Notebooks for mileage and various corporate expenditures are not attached as includes much unrelated information. Attached is copy of Form 4562 for Community Consultants' 1989 1120S showing personal and corporate use.

92040904812

90859AN/rf

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

JOAN KELLY HORN, of lawful age, first being duly sworn and upon her oath, states that the Answers to Interrogatories are true and correct according to her best knowledge, information and belief.

Joan Kelly Horn
JOAN KELLY HORN

Subscribed and sworn to before me, a Notary Public, this 4th day of December 1991.

Patricia D. Gray
Notary Public

My commission expires: PATRICIA D. GRAY
Notary Public-State of Missouri
My Commission Expires March 17, 1994

92040904813

CUSTOM COMPUTER SERVICE
111 S. Bemiston Suite 213
Clayton, MO 63105
(314) 727-6650

DATE: 01/02/90 Invoice # 3171

JOAN HORN

TERMS: DUE UPON RECEIPT

DATE	Description	Amount Due
12/26/89	Transporting and Setting Up ITT XT Computer System. (1 Hour @ $60.00 Per Hour)	~~60.00~~
01/02/90	DTK Turbo XT Computer (used) - Serial #608051 with:	
	-- 640K RAM	
	-- 1 360K Floppy Drive - Serial #X7JZ844905	
	-- ST225 Hard Disk Drive formatted to 30 Megabytes - Serial #09001	
	-- Floppy Controller Card - Serial #8801 1205 CR	
	-- Hard Disk Controller Card - Serial #WS109164948	
	-- Monochraphics Printer Adapter Card - Serial #02606	
	-- Samsong Monochrome Monitor - Serial #SMS900101	
	-- Unitek AT Style Keyboard - Serial #31039	300.00
	Delivery and Setup	~~60.00~~
	TOTAL FEE DUE:	300.00 ~~360.00~~

Computer Purchase by Campaign Committee

4/6/90
#1048

A late charge of 1.5% per month is assessed against past due outstanding balances.

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452

COMMUNITY CONSULTANTS, INC.
8570 COLONIAL LANE 862-7588
ST. LOUIS, MO 63124

1/3 19 90

PAY TO THE ORDER OF Custom Computer Services $ 300.00

three hundred & no/100 DOLLARS

First National Bank

MEMO

Joan K Hom

⑆081000460⑆ ⑈137302⑈ 0452 ⑈0000030000⑈

ENDORSE HERE

X

PAY TO THE ORDER OF
CAPITAL BANK & TRUST
FOR DEPOSIT ONLY
CUSTOM COMPUTER SERVICES
1003992

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

01-05-90 010020120 0
P A I D 01-05-90
CHECK 30

JA '90 04

031000210

▶ 081005464 ◀
CAPITAL BK & TR.
COMPANY - CLAYTON
ST. LOUIS, MO

⑈121318 24

9204090481 5

1068

JOAN KELLY HORN FOR CONGRESS
8570 COLONIAL LANE PH. 314-962-7585
ST. LOUIS, MO 63124

PAID

4/22 19 90

PAY TO THE ORDER OF Community Consultants Inc $ 988.30

nine hundred eighty-eight & 35/100 DOLLARS

Landmark Bank

FOR Printer, fax, supplies

Joan Kelly Horn

⑈001068⑈ ⑆081016932⑆ 051102890⑈ ⑈0000098835⑈

9240904 6

1048

JOAN KELLY HORN FOR CONGRESS
8570 COLONIAL LANE PH. 314-962-7585
ST. LOUIS, MO 63124

APR

4/6 19 90

PAY TO THE ORDER OF Community Consultants Inc $ 701.22

seven hundred and 22/100 DOLLARS

Landmark Bank

FOR Reimburse for supplies + computer

Joan Kelly Horn

⑈001048⑈ ⑆081016932⑆ 051102890⑈ ⑈0000070122⑈

ASC

Automation Services Company, Inc.

145 S. Mount Auburn
Cape Girardeau, MO 63701
(314) 335-5157

2762
INVOICE NO.

INVOICE

DATE 1-5 19 90

SOLD TO: Joan Kelly Horn
ADDRESS: 1750 S. Brentwood Suite 256
CITY: St. Louis 63144 PHONE NO.

DELIVER TO:
ADDRESS:
CITY: PHONE NO.

QUANTITY ORDERED	QUANTITY SHIPPED	SIZE	LENGTH	DESCRIPTION	DEPT.	TOTAL FEET	PRICE	AMOUNT
1				Panasonic 1191				315.00
							tax	19.45
								334.45

Printer purchased by Committee
check #1067

Thanks, Pd 17 Mar 90

DELIVERY DATE | SALESMAN | DEL'D BY | STORE NO.

REMARKS:

☐ WILL CALL ☐ CHARGE SALE
☐ SPECIAL ORDER ☐ CUSTOMER REQUEST
☐ DELIVERY ☐ SEE REMARKS

DRIVER COLLECT $

CASHIER VALIDATION

DELIVERY CHGS.	
NET SALE	
SALES TAX	
SUB TOTAL	
CASH DOWN PAYMENT	
BALANCE DUE	
GRAND TOTAL $	

IT IS UNDERSTOOD AND AGREED THAT MERCHANDISE ON THIS ORDER IS THE PROPERTY UNTIL FULLY PAID FOR. MERCHANDISE HELD LONGER THAN 30 DAYS CANNOT BE CANCELLED BY CUSTOMER.

• RECEIVED ABOVE MERCHANDISE IN GOOD CONDITION. •

CUSTOMER'S SIGNATURE X

OGC 3650

LAW OFFICES
ROSENBLUM, GOLDENHERSH, SILVERSTEIN & ZAFFT, P.C.
FOURTH FLOOR
7733 FORSYTH BOULEVARD
ST. LOUIS, MISSOURI 63105-1812
(314) 726-6868
FACSIMILE (314) 726-6786

STANLEY M. ROSENBLUM
ROBERT B. GOLDENHERSH
MERLE L. SILVERSTEIN
GENE M. ZAFFT
CARL C. LANG
RICHARD S. BENDER
MICHAEL A. MARKENSON
DAVID V. CAPES
MARK E. GOODMAN
PATRICIA D. GRAY
JAY A. NATHANSON
PAMELA D. PERDUE
ROBERT E. QUICKSILVER
RICHARD E. GREENBERG
BENNETT B. KELLER

ROGER HERMAN
LISA R. PERRY
DONN H. HERRING, JR.
THOMAS A. DUDA
ADAM E. MILLER
PAUL G. KLUG

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 DEC -6 AM 11:06

December 5, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 DEC -6 PM 2:36

EXPRESS MAIL -
RETURN RECEIPT REQUESTED

General Counsel's Office
Federal Election Commission
999 E Street, N.W.
Room 657
Washington, D.C. 20463

Attn: Dodie C. Kent

Re: MUR3157
Community Consultants

Dear Ms. Kent:

I enclose herewith verified answers to the Commission's Interrogatories and Request for Production of Documents and our response to the Commission's Factual and Legal Analysis.

If you have any questions or need further information, please advise immediately.

Very truly yours,

Patricia D. Gray

Patricia D. Gray

PDG/rf
cc: Peter McMillan
cc: Joan Kelly Horn
cc: Lisa S. Van Amburg
90859LE-1

92040904818

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 DEC -6 AM 11:06

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:	)	
	)	MUR3157
Community Consultants	)	

1. Has Community Consultants sold any office equipment to the Joan Kelly Horn for Congress Committee (the "Committee")?

ANSWER: Yes

(a) If so, provide a list of all such equipment, together with the date(s) of purchase, the purchase price(s) and the method(s) of payment.

ANSWER:

	Equipment	Date of Purchase	Purchase Price	Purchase Method
1)	DTK Turbo XT Computer Serial #608051 with Hardisk, Monitor and Keyboard	04-06-90	$300.00	By check dated 4-6-90 in amount of $701.22 which included payment for reimbursement for other supplies used
2)	Panasonic Printer 1191	04-22-90	$334.45	By check dated 4-22-90 which included reimbursement for other supplies

(b) The only documentation relating to these purchases is as follows:

1. Invoice #3171 from Custom Computer Services to Joan Horn for computer.

2. Check dated 1/3/91 from Community Consultants Inc. to Custom Computer Services in the amount of $300.00.

9204090048 19

3. Check dated 4/6/90 from Committee to Community Consultants includes payment for computer.

4. Invoice #2762 to Joan Kelly Horn from ASC dated 1/5/90 for printer.

5. Check dated 1/16/91 from Community Consultants Inc. to ASC in the amount of $334.45 for printer.

6. Check dated 4/22/90 from Committee to Community Consultants includes payment for printer.

2. State the year and make of the car which was (is) owned by Community Consultants and used by Joan Kelly Horn during her 1990 campaign.

ANSWER: 1987 Chrysler LeBaron

3. Describe the monetary arrangement between Joan Kelly Horn and Community Consultants regarding Ms. Horn's personal use of said car during her 1990 campaign effort. Include a list of all relevant payments and payment dates.

ANSWER: Ms. Horn's personal use of the automobile was treated as compensation to Ms. Horn. The personal use of the automobile was valued at $2,000.00 and was taxed to Ms. Horn as compensation as shown on her Form W-2 reflecting wages in the amount of $21,000.00, which included $2,000.00 in non cash payments for use of the automobile. Also attached is copy of IRC Form 4562 attached to Community Consultants Inc. 1120S (Corporate Income Tax Return) for 1990 showing personal use mileage versus corporate use. All corporate salary checks if necessary can be produced verifying cash versus non cash wages.

92040904820

4. Describe the monetary arrangement(s) between Joan Kelly Horn and Community Consultants regarding Ms. Horn's personal use of any Community Consultants' car prior to her 1990 campaign effort. Again, include a list of all relevant payments, payment dates and the year and make of the car(s) (if different from Question #2).

ANSWER: Prior to her 1990 campaign, Joan Kelly Horn used the corporate automobile primarily for corporate business. Personal use of the automobile accounted for approximately 25% of the annual use and such use was reimbursed to corporation by off-setting from amounts Ms. Horn personally advanced Corporation. Notebooks for mileage and various corporate expenditures are not attached as includes much unrelated information. Attached is copy of Form 4562 for Community Consultants' 1989 1120S showing personal and corporate use.

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90859AN-1/rf

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

JOAN KELLY HORN, of lawful age, first being duly sworn and upon her oath, states that the Answers to Interrogatories are true and correct according to her best knowledge, information and belief.

Joan Kelly Horn
JOAN KELLY HORN

Subscribed and sworn to before me, a Notary Public, this 9th day of December 1991.

Patricia Gray
Notary Public

PATRICIA D. GRAY
Notary Public-State of Missouri
My Commission Expires March 17, 1994

My commission expires:

9204090482 2

CUSTOM COMPUTER SERVICES
111 S. Bemiston Suite 213
Clayton, MO 63105
(314) 727-6650

DATE: 01/02/90 Invoice # 3171

JOAN HORN

TERMS: DUE UPON RECEIPT

DATE	Description	Amount Due
12/26/89	Transporting and Setting Up ITT XT Computer System. (1 Hour @ $60.00 Per Hour)	~~60.00~~
01/02/90	DTK Turbo XT Computer (used) - Serial #608051 with:	
	-- 640K RAM	
	-- 1 360K Floppy Drive - Serial #Y7JZ844905	
	-- ST225 Hard Disk Drive Formatted to 30 Megabytes - Serial #U9001	
	-- Floppy Controller Card - Serial #8801 1205 CR	
	-- Hard Disk Controller Card - Serial #WB109164948	
	-- Monochraphics Printer Adapter Card - Serial #02606	
	-- Samsong Monochrome Monitor - Serial #SWB900101	
	-- Unitek AT Style Keyboard - Serial #31039	300.00
	Delivery and Setup	~~60.00~~
	TOTAL FEE DUE:	300.00 ~~360.00~~

Computer Purchase by Campaign Committee

4/6/90
#1048

A late charge of 1.5% per month is assessed against past due outstanding balances.

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452

COMMUNITY CONSULTANTS, INC.
8570 COLONIAL LANE 862-7566
ST. LOUIS, MO 63126

1/3 19 90

PAY TO THE ORDER OF Custom Computer Services $ 300.00

three hundred & no/100 DOLLARS

First National Bank

Jim K Hom

⑆081000460⑆ ⑈137302⑈ 0452 ⑈0000030000⑈

9 2 0 4 0 9 0 4 8 2 4

ENDORSE HERE

X

PAY TO THE ORDER OF
CAPITAL BANK & TRUST
FOR DEPOSIT ONLY
CUSTOM COMPUTER SERVICES
1003932

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

01-05-90 010020120 0
P 8 1 P 01-05-90
CHECK 30

JA '90 04

031000210

▸081005464◂
CAPITAL BK & TR.
COMPANY - CLAYTON
ST. LOUIS, MO

⑈121131824

1068

JOAN KELLY HORN FOR CONGRESS
8570 COLONIAL LANE PH. 314-962-7989
ST. LOUIS, MO 63124

PAID

4/22 19 90

PAY TO THE ORDER OF Community Consultants Inc $ 988.35

nine hundred eighty-eight 35/100 DOLLARS

Landmark Bank

FOR Printer, Fax, supplies

Joan Kelly Horn

⑈001068⑈ ⑆081016932⑆ 051028907⑈ ⑈0000098835⑈

1048

JOAN KELLY HORN FOR CONGRESS
8570 COLONIAL LANE PH. 314-962-7989
ST. LOUIS, MO 63124

APR

4/6 19 90

PAY TO THE ORDER OF Community Consultants Inc $ 701.22

seven hundred and 22/100 DOLLARS

Landmark Bank

FOR Reimburse for expenses + supplies

Joan Kelly Horn

⑈001048⑈ ⑆081016932⑆ 051028907⑈ ⑈0000070122⑈

0904882

ASC

Automation Services Company, Inc.

145 S. Mount Auburn
Cape Girardeau, MO 63701
(314) 335-5157

2762
INVOICE NO.

INVOICE

DATE 1-5 19 90

SOLD TO: John Kelly Horn
ADDRESS: 1750 S. Brentwood Suite 256
CITY: St. Louis 63144 PHONE NO.

DELIVER TO:
ADDRESS:
CITY: PHONE NO.

QUANTITY	COLOR	SIZE	LENGTH	DESCRIPTION	DEPT.	TOTAL PRICE	PRICE	AMOUNT
1				Panasonic 1191				315.00
							tax	19.45
								334.45
				Printer purchased by Campaign Committee #1-140 check #1064				
				Thanks, Pd 17 Mar 90				

DELIVERY DATE	SALESMAN	SOLD BY	STORE NO.

REMARKS:

☐ WILL CALL ☐ CHARGE SALE
☐ SPECIAL ORDER ☐ CUSTOMER REQUEST
☐ DELIVERY ☐ SEE REMARKS

DRIVER COLLECT $

CASHIER VALIDATION

DELIVERY CHGS.	
NET SALE	
SALES TAX	
SUB TOTAL	
CASH DOWN PAYMENT	
BALANCE DUE	
GRAND TOTAL $	

IT IS UNDERSTOOD AND AGREED THAT MERCHANDISE ON THIS ORDER IS THE PROPERTY OF ASC UNTIL FULLY PAID FOR. MERCHANDISE HELD LONGER THAN 30 DAYS CANNOT BE CANCELLED BY CUSTOMER.

• RECEIVED ABOVE MERCHANDISE IN GOOD CONDITION. •

CUSTOMER'S SIGNATURE X

458

COMMUNITY CONSULTANTS, INC.
8570 COLONIAL LANE 962-7566
ST. LOUIS, MO 63124

1/16 19 90 10-100/810

PAY TO THE ORDER OF ASC $ 334 45

three hundred thirty four & 45/100 DOLLARS

First National Bank
7707 Forsyth Boulevard
Clayton, Missouri 63105

Jacqueline Hess

⑈081004601⑈ ⑆137302⑆ 0458 ⑈0000033445⑈

ENDORSE HERE

X

FOR DEPOSIT ONLY
PAY TO THE ORDER OF
CARE [illegible]
JACKSON [illegible]
Automatic [illegible]

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

JAN 19 90

081503199 ◀
CARE COUNTY BANK
JACKSON, MO 63755

081503199 ◀
3143230⑈ ⑆

03017023340

01-23-90

CHECK 00

081000032

01-20-90

0328330

9204090048 27

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

RECEIVED
F.E.C.
SECRETARIAT
92 MAR 18 AM 10: 48

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)	
The Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer	)	MUR 3157
Community Consultants	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On September 26, 1991, the Federal Election Commission found reason to believe that the Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer (the "Horn Committee" or "Respondents"), violated 2 U.S.C. §§ 434(b)(4)(A), 439(a)(1) and 441b(a). On that same date the Commission found reason to believe that Community Consultants violated 2 U.S.C. § 441b(a). On November 12, 1991, respondents were mailed letters notifying them of the Commission's findings and requesting answers to interrogatories which were attached thereto. On December 6, 1991, this Office received Community Consultants' response to the reason to believe notification and answers to the interrogatories. (Attachment 1). On December 9, 1991, this Office received the Horn Committee's response to the reason to believe notification and answers to the interrogatories. (Attachment 2).

II. FACTUAL AND LEGAL ANALYSIS

A. 2 U.S.C. § 434(b)(4)(A) violation.

Pursuant to 2 U.S.C. § 434(b)(4)(A), each report shall disclose for the reporting period and the calendar year, the

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total amount of all disbursements and expenditures made to meet candidate or committee operating expenses.

As stated in the Factual and Legal Analysis mailed to the Horn Committee on November 12, 1991, a review of the Horn Committee's amended 1990 July Quarterly Report, filed with the Commission on November 6, 1990, reveals that the Greenberg Lake Analysis Group was paid consulting fees of $3,000 and $4,750 on April 10, 1990, and May 1, 1990, respectively. The foregoing disbursements should have been disclosed on the 1990 July Quarterly Report due July 15, 1990. The Horn Committee did not disclose the disbursements until November 6, 1990. Therefore, the Commission found reason to believe that the Horn Committee violated 2 U.S.C. § 434(b)(4)(A) by not disclosing disbursements made to the Greenberg Lake Analysis Group, during the period covered by the 1990 July Quarterly Report, by July 15, 1990.

According to the Horn Committee, the two disbursements were unintentionally omitted from the report for the period ending June 30, 1990. Horn stated that:

> . . . the treasurer did keep an account of these disbursements as well as canceled checks and found the mistake in reviewing the records. It is clear that Peter McMillan used his best effort to obtain, maintain and submit the information required by the Act for the Committee and thus is considered in compliance with the Act pursuant to 2 U.S.C. § 432(i).

Based on the foregoing the Horn Committee has concluded that "there is no reason to believe that the Committee violated

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2 U.S.C. § 434(b)(4)(A) and the Commission should take no action with respect to this matter."

The response filed by the Horn Committee undercuts its claim of "best efforts." The Committee pointed out that the treasurer did not review every report at length until after they were filed with the Commission. In addition, it should be noted that the Committee did not file the amended report until after the Commission had received the complaint which initiated this matter. The Horn Committee also acknowledges that the disbursements to the Greenberg Lake Analysis Group were not disclosed on the 1990 July Quarterly Report. Accordingly, the Commission was justified in finding reason to believe that the Horn Committee violated 2 U.S.C. § 434(b)(4)(A).

In view of the facts that the Horn Committee has amended its reports to reflect the disbursements at issue, and there was $7,750 in disbursements reported 114 days late, this Office recommends that the Commission reject the Horn Committee's request that the Commission take no further action with regard to the Horn Committee's violation of 2 U.S.C. § 434(b)(4)(A) and offer to enter into preprobable cause conciliation.

B. <u>2 U.S.C. § 439(a)(1)</u>.

Pursuant to 2 U.S.C. § 439(a)(1), a copy of each report and statement required to be filed by any person under this Act shall be filed by such person with the Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports.

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Missouri's Secretary of State confirms that the Horn Committee did not file its 1989 Year End Report until February 16, 1990. The 1989 Year End Report was due no later than January 31, 1990. In addition, the Missouri's Secretary of State also informed this Office that the Horn Committee's 1990 April Quarterly Report was filed on April 17, 1990. The 1990 April Quarterly Report was due no later than April 15, 1990.

With regard to the 1989 Year End Report, the Horn Committee asserts that it was filed by the due date, January 31, 1990. As proof of this filing, the Committee furnished a copy of a certified mail receipt addressed to "Div. of Campaign Reporting Secy of State," with a stamped postmark dated January 31, 1990. In support of its assertion that the report was filed in a timely manner the Horn Committee stated that: "11 C.F.R. § 104.5(e) provides that a . . . report . . . sent by registered or certified mail shall be considered filed on the date of the U.S. postmark . . ."

With regard to the 1990 April Quarterly Report, the Horn Committee asserts that it also was filed in a timely manner. As proof of this filing, the Horn Committee furnished a copy of a certified mail receipt addressed to "Roy Blunt/Secy of State Div. of Camp. Reporting," with a stamped "USPO" postmark dated April 16, 1990. The Horn Committee stated that: "As the report was due on Sunday, it was mailed to the Missouri Secretary of State on Monday, April 16, 1990 . . . The filing date was listed as April 15th, a day when the report could not be filed."

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Based on the foregoing explanation and documents furnished by the Horn Committee, this Office feels that the Horn Committee substantially complied with the filing requirements under 2 U.S.C. § 439(a)(1). Accordingly, the General Counsel recommends that the Commission take no further action with regard to a violation of this provision of the Act by the Horn Committee.

C. 2 U.S.C. § 441b(a).

Pursuant to 2 U.S.C. § 441b(a), it is unlawful for a corporation to make a contribution in connection with any election for Federal Office or for any candidate, political committee, or other person to knowingly accept such a contribution.

As stated above, the Commission, on September 26, 1991, found reason to believe that the Horn Committee and Community Consultants violated 2 U.S.C. § 441b(a). These violations were with regard to the Horn Committee's use and possession of two computers, two printers and a Canon copy machine which were owned, leased or rented by Community Consultants. These violations also concerned the candidate's use of an automobile owned by Community Consultants for federal election related activity.

With regard to the computers, printers and copier, the candidate, Joan Horn, in sworn answers to the interrogatories stated that there was only one computer and printer which the Horn Committee purchased from Community Consultants. In these sworn answers Joan Horn stated that the Committee purchased the

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computer from Community Consultants for $300 which is evidenced by a check dated April 6, 1990, in the amount of $701.22 which also included payment for use of other supplies. Ms. Horn also stated that the Committee purchased the printer from Community Consultants for $334.45 which is evidenced by a check dated April 22, 1990, in the amount of $988.35 which also included payment for use of other supplies. As proof of the purchase, the Horn Committee once again presented copies of the above referenced checks.

When responding to the complaint filed in this matter, the Horn Committee failed to address the issue of the second computer and the Canon copier. However, in responding to the Commission's interrogatories the Horn Committee presented sworn affidavits with regard to this unresolved issue. In an affidavit, Mark Stroker, a staff member with the Horn Committee stated in part that the Committee:

> . . . received in the early part of 1990 from a contributor a Canon Desktop Copier, which the contributor indicated he was going to throw away . . . The Canon Copier was worthless . . . Affiant was required to essentially rebuild the copier in order to get it into working order . . . and only through the hours Affiant voluntarily spent rebuilding the copier was it able to work . . . The copier was replaced by a rental within a few months.

9204090483 3

With regard to the second computer, the Horn Committee presented an affidavit from Harry King. In this affidavit Mr. King stated:

> . . . that he had a used IBM personal computer which he offered to the Joan Kelly Horn for Congress Committee, to see if it would be helpful to the Committee, and if so, he would be willing to sell it to the Committee. The computer, in fact, did not work and could not be repaired. After repeated unsuccessful efforts over a period of time to repair the computer, it was returned to Affiant.

In view of the above sworn testimony the General Counsel believes that nothing more will be revealed with regard to the computers, printer, and Canon Copier. Accordingly, this Office recommends that the Commission not pursue this matter with regard to that specific equipment.

With regard to the use of the automobile, a 1987 Chrysler LeBaron, owned by Community Consultants and used for some campaigning by the Horn Committee, the responses to the Commission reason to believe notification and interrogatories present sufficient evidence to show that Community Consultants considered the use of the automobile as compensation to Mrs. Horn for a certain percentage for "personal use." The Horn Committee did furnish a copy of Ms. Horn's W-2 Form and asserts that the $21,000 in wages included $2,000 in non-cash payment for the use of the automobile. The Horn Committee and Community Consultants indicate that any campaign use of the automobile was considered Mrs. Horn's "personal use" of the automobile and, therefore, not a contribution by Community Consultants.

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Again, in view of the above sworn testimony, the General Counsel believes that nothing more will be revealed with regard to the Mrs. Horn's use of the automobile for campaigning. Accordingly, this Office recommends that the Commission not pursue this matter with regard to such automobile use.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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IV. RECOMMENDATION

1. Reject the request by the Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer, that the Commission take no further action with regard to violations of 2 U.S.C. § 434(b)(4)(A).

2. Take no further action against the Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer, and Community Consultants, with regard to a violation of 2 U.S.C. § 441b(a).

3. Take no further action against the Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer, with regard to a violation of 2 U.S.C. § 439(a)(1).

4. Close this matter with regard to Community Consultants.

5. Enter into preprobable cause conciliation with the Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer.

6. Approve the attached conciliation agreement and appropriate letters.

Lawrence M. Noble
General Counsel

3-17-92
Date

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

Attachments
1. Response by Community Consultants
2. Response by The Horn Committee
3. Conciliation agreement

Staff Assigned: Phillip L. Wise

92040904836

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer;	)	MUR 3157
Community Consultants.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 23, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3157:

1. Reject the request by the Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer, that the Commission take no further action with regard to the violations of 2 U.S.C. § 434(b)(4)(A).

2. Take no further action against the Joan Kelly Horn for Congress Committee and Peter McMillian, as treasurer, and Community Consultants, with regard to a violation of 2 U.S.C. § 441b(a).

3. Take no further action against the Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer, with regard to a violation of 2 U.S.C. § 439(a)(1).

4. Close this matter with regard to Community Consultants.

(Continued)

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5. Enter into preprobable cause conciliation with the Joan Kelly Horn for Congress Committee and Peter McMillan, as treasurer.

6. Approve the conciliation agreement and appropriate letters, as recommended in the General Counsel's Report dated March 17, 1992.

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

Attest:

3-23-92
Date

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

Received in the Secretariat: Wed., March 18, 1992 10:48 a.m.
Circulated to the Commission: Wed., March 18, 1992 4:00 p.m.
Deadline for vote: Mon., March 23, 1992 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 31, 1992

Patricia D. Gray, Esquire
Rosenblum, Goldenhersh, Silverstein
& Zafft, P.C.
Fourth Floor
7733 Forsyth Boulevard
St. Louis, Missouri 63105-1812

RE: MUR 3157
Community Consultants

Dear Ms. Gray:

On November 12, 1991, your client was notified that the Federal Election Commission found reason to believe that Community Consultants violated 2 U.S.C. § 441b(a). On December 9, 1991, you submitted a response to the Commission's reason to believe finding.

After considering the circumstances of the matter, the Commission determined on March 23, 1992, to take no further action against your client, and closed the file as it pertains to Community Consultants. The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

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

If you have any further questions, please contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 31, 1992

Patricia D. Gray, Esquire
Rosenblum, Goldenhersh, Silverstein
& Zafft, P.C.
Fourth Floor
7733 Forsyth Boulevard
St. Louis, Missouri 63105-1812

RE: MUR 3157
The Joan Kelly Horn for
Congress Committee and
Peter McMillan, as treasurer

Dear Ms. Gray:

By a letter dated November 12, 1991, the Federal Election Commission ("the Commission") notified you that the Commission had found reason to believe that your clients, The Joan Kelly Horn for Congress Committee ("the Horn Committee") and Peter McMillan, as treasurer had violated 2 U.S.C. §§ 434(b)(4)(A), 439(a)(1) and 441b(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Attached to the Commission's notification letter were the Factual and Legal Analysis, which formed the basis for the Commission's finding, and Interrogatories, to be answered by your clients. On December 9, 1991, your clients' response to the reason to believe notification and answers to the interrogatories was received.

Upon review of the foregoing answers and response, which included a request that the Commission take no further action with regard to this matter, the Commission, on March 23, 1992, rejected your clients' request that no further action be taken with regard to the violations of 2 U.S.C. § 434(b)(4)(A). However, the Commission decided to take no further action against the Horn Committee with regard to 2 U.S.C. §§ 439(a)(1) and 441b(a).

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.

If your clients are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if they agree with the provisions of the enclosed agreement, please

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have the agreement signed and returned, 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 further questions, please contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

Enclosure
Conciliation Agreement

92040904841

RECEIVED
F.E.C.
SECRETARIAT
92 JUN -3 AM 8:29

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Joan Kelly Horn For Congress Committee and Lisa S. VanAmburg, as treasurer	)	MUR 3157

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a counteroffered conciliation agreement which has been signed on behalf of The Joan Kelly Horn For Congress Committee and Lisa S. VanAmburg, as treasurer. (Attachment 1).

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Based on the foregoing the General Counsel recommends that the Commission accept the signed counteroffered conciliation agreement from the Horn Committee and close this matter.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with The Joan Kelly Horn For Congress Committee and Lisa S. VanAmburg, as treasurer.

2. Close the file.

3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date 6/1/92

BY: Lois G. Lerner
Associate General Counsel

Attachments
1. Conciliation Agreement
2. Photocopy of civil penalty check

Staff Assigned: Phillip L. Wise

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Joan Kelly Horn For Congress Committee and Lisa S. VanAmburg, as treasurer.	)	MUR 3157
	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 8, 1992, the Commission decided by a vote of 5-0 to take the following actions in MUR 3157:

1. Accept the conciliation agreement with The Joan Kelly Horn For Congress Committee and Lisa S. VanAmburg, as treasurer, as recommended in the General Counsel's Report dated June 1, 1992.

2. Close the file.

3. Approve the appropriate letters, as recommended in the General Counsel's Report dated June 1, 1992.

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

Attest:

6-8-92
Date

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

Received in the Secretariat: Wed., June 3, 1992 8:29 a.m.
Circulated to the Commission: Wed., June 3, 1992 11:00 a.m.
Deadline for vote: Mon., June 8, 1992 4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1992

Adrian E. Herbst
Moss & Barnett
4800 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4119

RE: MUR 3157
NACTA, NACAB, James Fay

Dear Mr. Herbst:

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

Should you have any questions, contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1992

Phillip J. Hoskins, Esq.
227 University Hall
Columbia, MO 65211

RE: MUR 3157
University of Missouri
at St. Louis

Dear Mr. Hoskins:

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

Should you have any questions, contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1992

Donita B. Hicks, Executive Director
Greenberg Lake Analysis Group
515 Second Street, N.E.
Washington, D.C. 20002

RE: MUR 3157
Greenberg Lake Analysis Group

Dear Ms. Hicks:

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

Should you have any questions, contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1992

Jean S. Berg, Director
Stop! Political Action Committee
218 Delware, Suite 107
Kansas City, MO 64105

RE: MUR 3157
Stop! PAC

Dear Ms. Berg:

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

Should you have any questions, contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1992

Patricia D. Gray, Esq.
Rosenblum, Goldenhersh, Silverstein & Zafft
7733 Forsyth Boulevard, Suite 400
St. Louis, MO 63105-1817

RE: MUR 3157
Community Consultants

Dear Ms. Gray:

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

Should you have any questions, contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1992

Patricia D. Gray, Esquire
Rosenblum, Goldenhersh, Silverstein
& Zafft, P.C.
Fourth Floor
7733 Forsyth Boulevard
St. Louis, Missouri 63105-1812

RE: MUR 3157
The Joan Kelly Horn for
Congress Committee and
Peter McMillan, as treasurer

Dear Ms. Gray:

On June 8, 1992 , the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(b)(4)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

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

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

Enclosure
Conciliation Agreement

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CLOSED

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tony Feather, Executive Director
Missouri Republican Party
P.O. Box 73
204 E. Dunklin
Jefferson City, MO 65102

RE: MUR 3157
The Joan Kelly Horn For Congress Committee and Lisa S. VanAmburg, as treasurer; Community Consultants; North Area Cable Television Authority ("NACTA"); North Area Cable Access Board ("NACAB"); James Fay; and University of Missouri-St. Louis.

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Dear Mr. Feather:

This is in reference to the complaint you filed with the Federal Election Commission on November 5, 1990, concerning possible violations of the Federal Election Laws by the above referenced respondents.

On September 26, 1991, the Federal Election Commission ("the Commission") found no reason to believe that North Area Cable Television Authority ("NACTA"); North Area Cable Access Board ("NACAB"); and University of Missouri-St. Louis violated any provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). On October 25, 1991, the Commission found no reason to believe that James Fay violated any provisions of the Act, and closed the file in this matter as it pertained to James Fay; North Area Cable Television Authority ("NACTA"); North Area Cable Access Board ("NACAB"); and University of Missouri-St. Louis.

In addition, on September 26, 1991, the Commission found that there was reason to believe that the Joan Kelly Horn For Congress Committee("the Horn Committee") and its treasurer violated 2 U.S.C. §§ 434(b)(4)(A), 439(a)(1) and 441b(a) provisions of the Act. On that same date (September 26, 1991) the Commission also found reason to believe that Community Consultants violated 2 U.S.C. § 441b(a). After conducting an investigation in this matter, on March 23, 1992, the Commission

decided to take no further action and closed this matter as it pertained to Community Consultants. On March 23, 1992, the Commission also decided to take no further action against the Horn Committee with regard to alleged violations of 2 U.S.C. §§ 439(a)(1) and 441b(a). However, the Commission decided to enter into preprobable cause conciliation with the Horn Committee with regard to the 2 U.S.C. § 434(b)(4)(A) violation.

On June 8, 1992, a conciliation agreement signed by counsel on behalf of the Horn Committee and its treasurer was accepted by the Commission. Accordingly, the Commission closed the file in this matter on June 8, 1992. A copy of this agreements is enclosed for your information.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter Of	)	
	)	
The Joan Kelly Horn For Congress Committee and Lisa S. VanAmburg, as treasurer	)	MUR 3157
	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Tony Feathers on behalf of the Missouri Republican Party. The Federal Election Commission ("Commission") found reason to believe that The Joan Kelly Horn For Congress Committee and its treasurer ("Respondents"), violated 2 U.S.C. § 434(b)(4)(A).

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

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

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

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

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

1. The Joan Kelly Horn For Congress Committee is a political committee within the meaning of 2 U.S.C. § 431(4). Joan Kelly Horn was a candidate for the U.S. House of Representatives in the 1990 general election. The Joan Kelly Horn For Congress Committee was Joan Kelly Horn's principal campaign committee within the meaning of 2 U.S.C. § 431(5).

2. Peter McMillan was the treasurer of The Joan Kelly Horn For Congress Committee ("Horn Committee") during the relevant time period. The current treasurer of the Horn Committee is Lisa S. VanAmburg.

3. Pursuant to 2 U.S.C. § 434(b)(4)(A), each report shall disclose for the reporting period and the calendar year, the total amount of all disbursements and expenditures made to meet candidate or committee operating expenses.

4. A review of the Horn Committee's amended 1990 July Quarterly Report, filed with the Commission on November 6, 1990, reveals that the Greenberg Lake Analysis Group was paid consulting fees of $3,000 and $4,750 on April 10, 1990, and May 1, 1990, respectively. The foregoing disbursements should have been disclosed on the 1990 July Quarterly Report due July 15, 1990. The Horn Committee reported an aggregate of $7,750 in disbursements to the Greenberg Lake Analysis Group in an amended 1990 July Quarterly Report, filed with the Commission on November 6, 1990, which was 114 days late.

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V. Respondents failed to report an aggregate of $7,750 in disbursements to the Greenberg Lake Analysis Group in its 1990 July Quarterly Report in violation of 2 U.S.C. § 434(b)(4)(A).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Seven Hundred dollars ($700), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

IX. Respondent(s) shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement(s) 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,

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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
Lois G. Lerner
Associate General Counsel

Date 6/18/92

FOR THE RESPONDENTS:

Patricia D. Gray
(Name)
(Position)
ATTORNEY For Respondents

Date 5-18-92

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1736

JOAN KELLY HORN FOR CONGRESS
8570 COLONIAL LANE PH. 314-968-3111
ST. LOUIS, MO 63134

May 18 19 92

80-1693/810

PAY TO THE ORDER OF Federal Election Commission $ 700 00

Seven hundred 00/100 DOLLARS

Landmark Bank
10 South Brentwood Boulevard
St. Louis, Missouri 63105

FOR Conciliation Agreement

Gregory Kloeppel

⑈001736⑈ ⑆081600156⑆ 02 ⑈0528⑈ 07

92 MAY 20 AM 10:59

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3157

DATE FILMED 7-9-92 CAMERA NO. 4

CAMERAMAN E.E.S.

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