



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3164

DATE FILMED 1-11-95 CAMERA NO. 2

CAMERAMAN JMH

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IDAHO STATE DEMOCRATIC PARTY

RECEIVED
FEDERAL ELECTION COMMISSION
90 NOV -5 AM 10:09

P.O. Box 445
Boise, Idaho
83701
Phone (208) 336-1815

October 31, 1990

MUR 3164

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV -5 PM 2:44

CONLEY WARD, Chair
Boise
ANNA WILSON, Vice-Chair
Wallace

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

JOE BERENTER
Treasurer
Caldwell

Dear Commissioners:

DIANE JOSEPHY-PEAVEY
National Committeewoman
Ketchum

As Chairman of the Idaho State Democratic Party, I hereby file this complaint charging violations of the Federal Election Campaign Act of 1971, as amended ("FECA" or "the Act"), 2 USC Sections 431 et seq., and related regulations of the Federal Election Commission ("FEC" or "Commission"), 11 CFR Sections 101.1 et seq., by Sean McDevitt and McDevitt for Congress (referred to collectively hereafter as "Respondents"). Respondents have repeatedly engaged in practices prohibited by the Act, and we therefore ask the Commission to investigate immediately.

JOHN GREENFIELD
National Committeeman
Boise

BRUCE SWEENEY
Senate Minority Leader
Lewiston

JIM STOICHEFF
House Minority Leader
Sandpoint

PAT REILLY
Boise

MARTI CALABRETTA
Osburn

CAMILO LOPEZ
Caldwell

CAROL KRIZ
Boise

EDIE TRACY
Soda Springs

WALLY WRIGHT
Pocatello

MARCY GOULD
Boise

GENE SULLIVAN
Fairfield

The most serious violation by McDevitt for Congress has been its acceptance of excessive contributions from members of Sean McDevitt's family, especially from McDevitt's parents, Thomas and Bruna McDevitt, and from the family-run corporation, Little Red Hen, Inc. Thomas and Bruna McDevitt have made contributions well over the \$1,000 per person per election limits of the Act. See 2 USC Section 441a(3). In addition, since the inception of Sean McDevitt's candidacy, the McDevitt family corporation has made in-kind contributions to McDevitt for Congress of office space and other administrative equipment. This violates two provisions of the Act: the prohibition against corporate contributions, see 2 USC Section 441b(a), and the aforementioned contribution limitations. Indeed, the unlawful McDevitt family subsidization of McDevitt for Congress appears to be an entrenched family practice, beginning even before the campaign's formal announcement.

Accordingly, I ask that the FEC immediately investigate Respondents, take all necessary steps to prevent recurrence of these actions, and impose all penalties provided for by law.

McDevitt Family Involvement with Respondents

MARGARET BERGIN, Pres.
Idaho Young Democrats
Boise

A. Background: The Draft McDevitt Committee.

EDGAR MALEPEAI, Chair
Association of County Chairs
Pocatello

In early 1989, Thomas McDevitt, Sean's father, formed the Draft McDevitt for Congress Committee and filed the appropriate forms with the FEC. The contributors were all family members and they contributed \$1,000 each, except for James McDevitt, who contributed \$932.45. All five contributors live at the same address. Their occupations are listed as "M.D.,"

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"housewife," "student," "student," and "soldier." The money was spent to print, mail, and hand out brochures.

In June of 1989, Sean McDevitt wrote his father a letter, filed with the FEC, which began "Dear Sir," Sean explained that he could not participate in any political activities because he was on active duty in the armed forces. McDevitt wrote "I cannot, nor will I, tolerate any further actions by your committee or any others that nominate, draft or campaign on my behalf for any political office."

Despite this disavowal, six months passed before, in early January 1990, Thomas McDevitt wrote to the FEC and officially filed a termination report for the draft committee. Nevertheless, Sean McDevitt filed a statement of candidacy for Idaho Second District less than a month later, on January 23, 1990. Bruna McDevitt, his mother, is the campaign treasurer. Copies of relevant documents are enclosed.

While there is nothing facially illegal about these activities absent additional information, they do support two of our basic premises. First, the McDevitt family is, and has always been, involved with McDevitt For Congress at a level beyond that authorized by federal law. Second, it appears that the McDevitts had researched federal election law to a point that they were quite sophisticated. For example, Thomas McDevitt knew that no family member could contribute more than \$1,000 to the testing-the-waters committee. Sean was aware that he could "disavow" the activities of a draft committee and avoid becoming a candidate under the Act. Even assuming that any legal questions raised by "students" contributing large amounts to a political campaign are resolved showing the McDevitt family to have acted lawfully, it is clear that Respondents knew the Act's proscriptions well enough to execute a fairly complex maneuver in a testing-the-waters committee. The Commission must examine whether Respondents' subsequent acceptance of excessive contributions constituted knowing and wilful violation of federal law.

B. Excessive Contributions From the McDevitt Family

Thomas McDevitt has essentially stipulated to the facts of the most blatant violation of federal law. Thomas and Bruna McDevitt loaned \$30,000 to the McDevitt For Congress campaign on October 11, 1990. Under Federal law, a loan is considered a contribution to a campaign until it is repaid. See 2 USC Section 431(a); 11 CFR Section 100.7(a). Contributions from individuals are limited to \$1,000 per person per election. See 2 USC Section 441a(a)(1); 11 CFR Section 110.1(b). Thus, the McDevitts have contributed \$28,000 over the limits of the Act.

McDevitt for Congress reported this loan on its FEC report. On October 22, 1990, Thomas McDevitt sent a "letter of apology" to the FEC stating as follows:

"Dear Sir:

On October 11, 1990, I lent my son, Sean McDevitt, \$30,000. Since then, I have been told that this loan may be against the rules.

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If so, I apologize. The money is being repaid."

The letter is signed "Thomas J. McDevitt, Campaign Manager." Thomas McDevitt has thus acknowledged that he made an illegal loan to the McDevitt For Congress campaign. However, as noted above, it is hard to believe that someone with Thomas McDevitt's apparent knowledge of federal election law would merely unwittingly commit a subsequent \$28,000 violation.

Sean McDevitt is no less culpable. As of the close of the third quarter reporting period, McDevitt For Congress had \$10,447.83 cash-on-hand. This money should have been used to repay the illegal loan immediately. According to our best information, it was not so used, but instead was used to buy radio advertising.

On October 26, 1990, Sean McDevitt stated on KSEI radio that he was repaying the loan, but had 60 days to do so. This is contrary to federal law. While it may be true that a contribution may be redesignated or reattributed within 60 days of the treasurer's receipt of the contribution, see 11 CFR Section 103.3 (b) (3), this same regulation also provides that, "if the political committee does not have sufficient funds to refund the (excessive) contribution at the time the illegality is discovered, the political committee shall make the refund from the next funds it receives," 11 CFR Section 103.3 (b) (2). McDevitt For Congress' use of its surplus cash-on-hand to do anything but repay the \$28,000 unlawful loan is therefore contrary to Commission regulations.

C. Corporate Contributions to McDevitt For Congress

Little Red Hen, Inc. is a corporation registered in Idaho, and lists Thomas McDevitt as President and Sean McDevitt as Vice President. Little Red Hen, Inc. owns a building located at 707 North 7th Avenue, Pocatello, Idaho 83201.

Not coincidentally, the McDevitt For Congress headquarters has been located at 707 North 7th Avenue in Pocatello since early 1990. Also located in the building is the Center for Resources For Independent People ("CRIP"). McDevitt For Congress and CRIP occupy approximately the same size space in the building. CRIP pays \$400 a month in rent.

In contrast, McDevitt For Congress reports show no disbursements for rent on this or any other office space. This means that Little Red Hen, Inc., is providing office space to McDevitt For Congress free of charge. FEC regulations require that such a gift of services be reported as an in-kind contribution, attributed against the limits of the contributor. See 11 CFR Sections 100.7(a), 100.8(a), 104.13. Thus, Little Red Hen, Inc.,

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was required to report the office space it provided Respondents as an in-kind contribution, which would violate federal prohibitions against corporate contributions. 2 USC Section 441(b); 11 CFR Section 114.2(b). Moreover, the aggregate amount that Little Red Hen, Inc. has provided the McDevitt For Congress Committee, calculated at \$400 a month for 10 months (January through October 1990), would gross \$4,000 -- i.e., \$3,000 over the contribution limit that Respondents were permitted by law to receive from any one source. Thus, these in-kind contributions have also violated the Act's contribution limitations. 2 USC Section 441a(3).

Nor is this the only evidence of an illegal corporate contribution by Little Red Hen, Inc. to McDevitt For Congress. Sean McDevitt also uses a pickup truck for his campaign activities that is owned by Little Red Hen, Inc. Calculations of the value of this truck should be tallied as another in-kind contribution, based on the fair market value of use of such a truck. Furthermore, McDevitt For Congress FEC reports do not contain disbursements for rent, fax machines, photocopying machines, computers or furniture. Sean McDevitt has apparently avoided paying for any of these necessities of running a campaign by appropriating the facilities of Little Red Hen, Inc. As evidenced by his FEC reports, this has enabled him to focus his resources on vote-getting activities. An investigation is needed in order to ascertain precisely who is paying for these administrative services.

D. Candidates "Personal" Guarantee of Bank Loan

The FEC report filed in April 1990 showed a personal loan from the First Interstate Bank of Idaho, guaranteed by Sean McDevitt in the amount of \$30,000. However, Sean McDevitt had just returned from out of state and did not have a job. Commercial banks will not generally give loans of this size absent substantial collateral and/or a demonstrated ability to repay the loan through gainful employment. This raises questions about the loan: was it actually guaranteed by Sean McDevitt, or by Little Red Hen, Inc., or was this also guaranteed by Sean McDevitt's parents? If his parents guaranteed this loan as well, it would be a further excessive contribution by them to McDevitt For Congress. If Little Red Hen, Inc., guaranteed the loan, it would be another unlawful corporate contribution to the campaign in excess of FEC limits. Again, a Commission investigation is warranted.

Conclusion

Swift disposition of these concerns is needed in light of the upcoming election. Therefore, we request that the FEC give this complaint expedited consideration.

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On the basis of the foregoing, we request that the FEC:

(1) conduct a prompt and immediate investigation, including an audit, of the facts stated in this complaint;

(2) enter into prompt conciliation with Respondents to remedy the violations alleged in this complaint, and, more importantly, to insure that no further violations occur; and

(3) impose any and all penalties grounded in the violations alleged in this complaint.

Respectfully submitted,

Conley Ward

Conley Ward
Chairman
Idaho State Democratic Party

Subscribed and sworn to before me this 1st day of November,
1990.

Robert M. Meyers
Notary Public

My Commission Expires:

June 18, 1994

25043620042

Thomas J. McDevitt, M.D.
518 East Lander
Pocatello, ID 83201

15 June 1989

Dear Sir:

I am writing in reference to your attempts to draft me as the Republican candidate for U.S. Congress. While the effort is flattering, I must remind you that I am an officer on active duty with the U.S. Armed Forces, and as such, cannot participate in any political activity.

Please cease and desist all political activities or insinuations with regard to myself. I cannot, nor will I tolerate any further actions by your committee or any others that nominate, draft or campaign on my behalf for any political office. Thank you for your time.

Very Sincerely Yours,



Sean D. McDevitt

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RECEIVED

FEDERAL ELECTION COMMISSION

DEPT OF JUSTICE
ALBANY NY

JAN 11 1990

90 JAN 16 AM 10 47

January 8, 1990

Federal Election Commission
999 E. Street
Washington, D.C.

13334

Dear Sir:

I have delayed sending you this report, because I didn't think I needed to. We didn't spend \$5,000, and the candidate we hoped to draft, demanded that we stop any efforts on his behalf. However, for the sake of completeness, I am now submitting it.

Last year my wife and I and some family members thought it a good idea to draft my son Sean for United States Congress. With the money we had available, we had some brochures made up, which we handed and mailed out. Only about half the purchased brochures were used before the movement came to a screeching halt. Other than the contributions shown on the report, no money was raised.

The man we wanted to draft was not in the state. Military lawyers informed us that even though this was a draft, political efforts in this direction were probably illegal, and at the least would cause my son embarrassment. Therefore, in April the movement was curtailed, and later terminated completely.

Sincerely yours,

[Handwritten signature]

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20541

RS-R

MY 1 1989

Thomas J. McDevitt, Treasurer
Draft McDevitt For Congress
P.O. Box 4260
Pocatello, ID 83205

Identification Number: C00240804

Reference: Termination Report (1/1/89-5/31/89)

Dear Mr. McDevitt:

Your committee's filing has been accepted as a valid termination because it meets the conditions set forth in 2 U.S.C. §433(d) and 11 CFR §102.3. Your committee is no longer required to file reports on a periodic basis. However, 2 U.S.C. §432(d) and 11 CFR §§102.9(c) and 104.14(b)(3) require that you maintain your records and copies of reports for inspection for at least three (3) years. In addition, you may be required to respond to Commission requests for information regarding your committee's federal election activity and previously filed reports.

If your committee again becomes active in federal elections, it will be required to re-register with the Commission in accordance with the Federal Election Campaign Act and applicable Regulations. Your committee will be treated as a new entity by the Commission and should register as a new committee on FEC FORM 1, pursuant to 2 U.S.C. §§432(g) and 433(a).

Political committees and separate segregated funds which once attained multicandidate committee status and subsequently terminated will, upon re-registration, again be required to meet the criteria set forth in 2 U.S.C. §441a(a)(4).

If you have any questions concerning your status and requirements, please contact the Reports Analysis Division on the toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Jack MacDonald
Reports Analyst
Reports Analysis Division

250436290745

DRAFT McDevitt For Congress

P.O. Box 4260

Pocatello, Idaho 83205

FEE



- The committee is a general campaign committee. (Complete the candidate information below.)
- The committee is an authorized comm. for, and is NOT a general campaign committee. (Complete the candidate information below.)
- Name of Candidate: SEAN McDevitt Candidate Party Affiliation: None Office Sought: U.S. House of Representatives
- The committee represents only one candidate, SEAN McDevitt and is NOT an authorized committee.
- The committee is a committee of the _____ (Federal, State or International) _____ (Democratic, Republican, etc.)
- The committee is a separate segregated fund.
- The committee represents more than one Federal candidate and is NOT a separate segregated fund of a party.

Name of any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
NONE		

Type of Connected Organization: Corporation Corporation and Capital Stock Labor Organization Membership Organization Trade Association Cooperative

1. Custodian of Records: Use only by name, address (phone number - optional) and position of the person or persons in possession of committee books and records.

Thomas J. McDevitt | Full Name | P.O. Box 4260 | Mailing Address | 209-232-7977 | Title or Position | MAIN 17AA
Pocatello, Idaho 83205

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

Thomas J. McDevitt | Full Name | P.O. Box 4260 | Mailing Address | 209-232-7977 | Title or Position | MAIN 17AA
Pocatello, Idaho 83205

3. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, or has other assets.

NONE | Name of Bank, Depository, etc. | Mailing Address and ZIP Code

I have prepared this Statement and to the best of my knowledge and belief it is true, correct and complete.
 TYPE OR PRINT NAME OF TREASURER: Thomas J. McDevitt SIGNATURE OF TREASURER: Thomas J. McDevitt DATE: 8/1/97

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information, contact
 Federal Election Commission
 Washington, D.C. 20543

FEC FORM 1

03504376124010346

REGULAR REPORT OF RECEIPTS AND DISBURSMENTS
 For Other Than An Authorized Committee
 (Summary Page)

90 JUN 16 AM 10:43

USE FEC MAILING LABEL OR PRINT TYPE OR PRINT

1 NAME OF COMMITTEE TO GA
DRAFT McDevitt FOR CONGRESS

2 ADDRESS (number and street) Check if different than previously received
237 SOUTH 7th AVENUE

CITY STATE and ZIP CODE
Jacksonville, Florida 32201

3 The committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)

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)

- Monthly Report Due On
- | | | |
|--------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> February 20 | <input type="checkbox"/> June 20 | <input type="checkbox"/> October 20 |
| <input type="checkbox"/> March 20 | <input type="checkbox"/> July 20 | <input type="checkbox"/> November 20 |
| <input type="checkbox"/> April 20 | <input type="checkbox"/> August 20 | <input type="checkbox"/> December 20 |
| <input type="checkbox"/> May 20 | <input type="checkbox"/> September 20 | <input type="checkbox"/> January 31 |

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

Termination Report

5 Is this Report an Amendment? YES NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6 Covering Period <u>JAN 1989</u> through <u>MAY 1989</u>		
7 a Cash on Hand January 1, 1989	\$ NONE	\$ NONE
b Cash on Hand at Beginning of Reporting Period	\$ NONE	\$ NONE
c Total Receipts from Line 18	\$ 4932.45	\$ 4932.45
d Subtotal (add Lines 6b) and 6c for Column A and Lines 6a) and 6c) for Column B)	\$	\$
8 Total Disbursements from Line 28)	\$ 4932.45	\$ 4932.45
9 Cash on Hand at Close of Reporting Period (subtract Line 8 from Line 6(d))	\$ NONE	\$ NONE
10 Debts and Obligations Owed TO the Committee (include all on Schedule C and/or Schedule D)	\$ NONE	
11 Debts and Obligations Owed BY the Committee (include all on Schedule C and/or Schedule D)	\$ NONE	

For further information contact:
 Federal Election Commission
 999 E Street NW
 Washington, DC 20463
 Toll Free 800-424-9530
 Local 202-375-5100

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

Name and Title of Treasurer
Thomas J. McDevitt

Signature of Treasurer
Thomas J. McDevitt

Date
15 May 1989

12 This Commission or false, erroneous or incomplete information may subject the person signing this Report to the penalties of 18 U.S.C. § 487g.

SCHEDULE A

ITEMIZED RECEIPTS

REPORT INFORMATION FOR EACH CATEGORY OF THE DEDUCTIONS LISTED BELOW PAGE 07

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

NAME OF COMMITTEE (in Full)
DRAFT McDevitt for Congress

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
THOMAS J. McDevitt PO Box 4928 Pocatello, Idaho 83201	SELF	MARCH 1989	1000
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) DRAFT			
Aggregate Year-to-Date > \$			
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
BRUNA M. McDevitt 237 S. 7th Ave. Pocatello, Idaho 83201	SELF	JANUARY 1989	1000
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) DRAFT			
Aggregate Year-to-Date > \$			
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
CHARLES T. McDevitt 237 South 7th Ave. Pocatello, Idaho 83201	SELF	FEBRUARY 1989	1000
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) DRAFT			
Aggregate Year-to-Date > \$			
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
DANIEL B. McDevitt 237 S. 7th Ave. Pocatello, Idaho 83201	SELF	JANUARY 1989	1000
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) DRAFT			
Aggregate Year-to-Date > \$			
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
JAMES P. McDevitt 237 S. 7th Ave. Pocatello, Idaho 83201	U.S. ARMY		432.45
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)			
Aggregate Year-to-Date > \$			
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)			
Aggregate Year-to-Date > \$			
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)			
Aggregate Year-to-Date > \$			

SUBTOTAL (Carry to Page 0010) **432.45**
 TOTAL (Carry to Page 0010) **432.45**

SCHEDULE B

UNEMPLOYMENT COMPENSATION

Use separate lines for each category of Unemployment Compensation

Any information copied from state reports and publications may not be used by the person for the purpose of obtaining unemployment benefits or for commercial purposes, other than using the name and address of any political candidate or other contributor from such sources.

NAME OF CONTRIBUTOR (in Full)
DRAFT MEDICINE FOR ADDRESS

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
L. THOMPSON 146 SO 40 AV. POCAHONTO, IOWA 51401	SIRA - AMES Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) DRAFT	MAY 1989	3217.73
B. Full Name, Mailing Address and ZIP Code SOUTHEASTERN IOWA COUNTY AMES	Purpose of Disbursement COUNTY VOTING LISTS Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) DRAFT	MAY 1989	702.94
C. Full Name, Mailing Address and ZIP Code 215 Post Office POCAHONTO, IOWA 51401	Purpose of Disbursement POSTAGE Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) DRAFT	MAY 1989	1011.78
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

11-2-89 1033761205049

SUBTOTAL of Disbursements This Page (columns 1-4)
 TOTAL for Period on page (the 1st number only)

493245
493245

Name of Committee (in full) DRAFT McDevitt FOR CONGRESS			
A. Full Name, Mailing Address and ZIP Code of Loan Source DRAFT McDevitt For Congress P.O. Box 4260 Pocatello, Idaho 83205		Over of Amount of Loan NONE	Balance Outstanding at Close of This Period NONE
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): DRAFT		Cumulative Payments To Date NONE	
Terms	Date Incurred	Date Due	Interest Rate (Specify) <input type="checkbox"/> Secured
List All Endorsers or Guarantors (if any) to item A			
1. Full Name, Mailing Address and ZIP Code NONE		Name of Employer	[REDACTED]
		Occupation	
		Amount Guaranteed Outstanding \$	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	[REDACTED]
		Occupation	
		Amount Guaranteed Outstanding \$	
3. Full Name, Mailing Address and ZIP Code		Name of Employer	[REDACTED]
		Occupation	
		Amount Guaranteed Outstanding \$	
B. Full Name, Mailing Address and ZIP Code of Loan Source		Original Amount of Loan	Balance Outstanding at Close of This Period
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		Cumulative Payments To Date	
Terms	Date Incurred	Date Due	Interest Rate (Specify) <input type="checkbox"/> Secured
List All Endorsers or Guarantors (if any) to item B			
1. Full Name, Mailing Address and ZIP Code		Name of Employer	[REDACTED]
		Occupation	
		Amount Guaranteed Outstanding \$	
2. Full Name, Mailing Address and ZIP Code		Name of Employer	[REDACTED]
		Occupation	
		Amount Guaranteed Outstanding \$	
3. Full Name, Mailing Address and ZIP Code		Name of Employer	[REDACTED]
		Occupation	
		Amount Guaranteed Outstanding \$	
SUBTOTALS This Period This Page (optional)			NONE
TOTALS This Period (last page in this line only)			NONE
Carry over/ending balances only to LINE 3, Schedule D, for this time. If no Schedule D, carry forward to appropriate line of Summary			

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ITEMIZED INDEPENDENT EXPENDITURES

Page _____ of _____ Pages

See General Instructions

Name of Candidate or Party		Date		Amount		Type of Expenditure	
Name, Title, Address & Telephone of Each Person		Name of Candidate or Party	Date	Amount	Amount	For Campaign or General Purposes	For Other Purposes
NONE						<input type="checkbox"/> Salary	<input type="checkbox"/> Other
						<input type="checkbox"/> Salary	<input type="checkbox"/> Other
						<input type="checkbox"/> Salary	<input type="checkbox"/> Other
						<input type="checkbox"/> Salary	<input type="checkbox"/> Other
						<input type="checkbox"/> Salary	<input type="checkbox"/> Other
						<input type="checkbox"/> Salary	<input type="checkbox"/> Other
a) SUBTOTAL of Itemized Independent Expenditures							
b) SUBTOTAL of Unitemized Independent Expenditures							
c) TOTAL Independent Expenditures							

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Under penalty of perjury I certify that the independent expenditures reported herein were not made in connection with any primary or general election or in the interest or support of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not include the financing of dissemination, distribution or reproduction in whole or in part of any campaign material prepared by the candidate, the authorized committee, or their agent.

Thomas J. [Signature] 8/27/1998
Secretary

Copy: Sent on _____ to _____

[Signature] 8/27/98
By Commission Agent

[Signature]
SECRETARY



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1990

First Interstate Bank of Idaho, N.A.
700 Idaho Street
Boise, Idaho 83702

RE: MUR 3164

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the First Interstate Bank of Idaho, N.A. 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 3164. 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 bank 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.

25043620053

If you have any questions, please contact Craig Reffner, 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

25043620054



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1990

Thomas J. McDevitt, President
Little Red Hen, Inc.
P.O. Box 4260
Pocatello, Idaho 83205

RE: MUR 3164

Dear Mr. McDevitt:

The Federal Election Commission received a complaint which alleges that Little Red Hen, 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 3164. 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 Little Red Hen, Inc. 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.

25043620055

If you have any questions, please contact Craig Reffner, 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

25043620056



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1990

James P. McDevitt
237 South 7th Avenue
Pocatello, Idaho 83201

RE: MUR 3164

Dear Mr. McDevitt:

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 3164. 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.

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25043620057

If you have any questions, please contact Craig Reffner, 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

25743620058



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1990

Daniel B. McDevitt
237 South 7th Avenue
Pocatello, Idaho 83201

RE: MUR 3164

Dear Mr. McDevitt:

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 3164. 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.

2504362059

If you have any questions, please contact Craig Reffner, 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

25043620060



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1990

Charles T. McDevitt
237 South 7th Avenue
Pocatello, Idaho 83201

RE: MUR 3164

Dear Mr. McDevitt:

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 3164. 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.

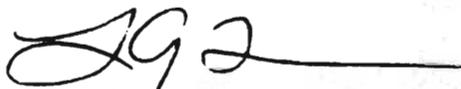
This matter will remain confidential in accordance with 2 U.S.C. 5 437g(a)(4)(B) and 5 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

25043620061

If you have any questions, please contact Craig Reffner, 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

25043620062



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1990

Bruna J. McDevitt
237 South 7th Avenue
Pocatello, Idaho 83201

RE: MUR 3164

Dear Ms. McDevitt:

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 3164. 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.

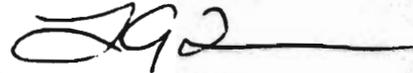
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

25043620063

If you have any questions, please contact Craig Reffner, 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

25043620064



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 13, 1990

Thomas J. McDevitt, M.D.
237 South 7th Avenue
Pocatello, Idaho 83201

RE: MUR 3164

Dear Dr. McDevitt:

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 3164. 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.

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25043620065

If you have any questions, please contact Craig Reffner, 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

25043620066



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1990

Draft McDevitt for Congress and
Thomas J. McDevitt, as treasurer
P.O. Box 4260
Pocatello, Idaho 83205

RE: MUR 3164

Dear Mr. McDevitt:

The Federal Election Commission received a complaint which alleges that Draft McDevitt for Congress 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 3164. 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.

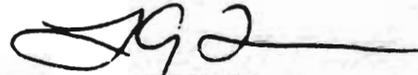
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25043620067

If you have any questions, please contact Craig Reffner, 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: Sean D. McDevitt
P.O. Box 545
Pocatello, IO 83204

25043620068



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1990

McDevitt for Congress and
Bruna M. McDevitt, as treasurer
P.O. Box 545
Pocatello, Idaho 83204

RE: MUR 3164

Dear Ms. McDevitt:

The Federal Election Commission received a complaint which alleges that McDevitt for Congress 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 3164. 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.

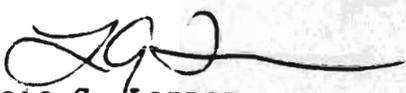
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

25043620069

If you have any questions, please contact Craig Reffner, 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: Sean D. McDevitt

25043620070



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1990

Sean D. McDevitt
P.O. Box 545
Pocatello, Idaho 83204

RE: MUR 3164

Dear Mr. McDevitt:

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 3164. 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.

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250436200/1

If you have any questions, please contact Craig Reffner, 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

250436200/2



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1990

Conley Ward
Chairman
Idaho State Democratic Party
P.O. Box 445
Boise, Idaho 83701

RE: MUR 3164

Dear Mr. Ward:

This letter acknowledges receipt on November 5, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Sean D. McDevitt, McDevitt for Congress and Bruna H. McDevitt, as treasurer, Draft McDevitt for Congress and Thomas J. McDevitt, as treasurer, Thomas J. McDevitt, M.D., Bruna J. McDevitt, Charles T. McDevitt, Daniel B. McDevitt, James P. McDevitt, Little Red Hen, Inc., and the First Interstate Bank of Idaho, H.A. 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 3164. 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

25043620073

066 8727

McDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205

90 NOV 26 AM 10:55

TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J McDEVITT
1928-1988

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 26 PM 1:31

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 25 PM 3:08

November 20, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Thomas J. McDevitt, President
Little Red Hen, Inc.

Ms. Lerner:

Dr. Thomas J. McDevitt has brought into this office the Complaint in the above-referenced matter.

We need the ability to investigate and make an appropriate response. I am concurrently obtaining the signed Statement of Designation of Counsel and will forward the same forthwith.

To that end, we will need an additional thirty (30) days time through December 21, 1990. My office is a three man litigation firm. I have prior commitments of both trials, depositions, and plans to be out of state during the intervening period. I will be out of my office from November 21, and in trial, through December 12, 1990.

I would appreciate your patience in this matter, and we will plan on supplying an appropriate response. If this letter is not sufficient, would you please call. Due to my lack of familiarity in this area, I am attempting to associate appropriate personnel. Thanks.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Dr. Thomas J. McDevitt

15043620074

OGC 8728

McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

90 NOV 26 AM 10:56

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J McDEVITT
1928-1988

November 20, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Sean D. McDevitt

Dear Ms. Lerner:

Sean D. McDevitt has brought into this office the Complaint in the above-referenced matter.

We need the ability to investigate and make an appropriate response. I am concurrently obtaining the signed Statement of Designation of Counsel and will forward the same forthwith.

To that end, we will need an additional thirty (30) days time through December 21, 1990. My office is a three man litigation firm. I have prior commitments of both trials, depositions, and plans to be out of state during the intervening period. I will be out of my office from November 21, and in trial, through December 12, 1990.

I would appreciate your patience in this matter, and we will plan on supplying an appropriate response. If this letter is not sufficient, would you please call. Due to my lack of familiarity in this area, I am attempting to associate appropriate personnel. Thanks.

Sincerely,



M. Jay Meyers

MJM/sam

cc: Sean D. McDevitt

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6

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 25 PM 3:00
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 26 PM 1:30

0608728

RECEIVED
FEDERAL ELECTION COMMISSION
NOV 26 1990

McDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

90 NOV 26 AM 10:55

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 26 PM 1:31

HERMAN J. McDEVITT
1928-1990

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

November 20, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Charles T. McDevitt

Dear Ms. Lerner:

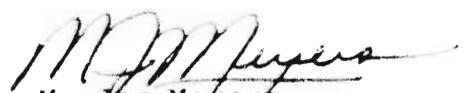
Charles T. McDevitt has brought into this office the Complaint in the above-referenced matter.

We need the ability to investigate and make an appropriate response. I am concurrently obtaining the signed Statement of Designation of Counsel and will forward the same forthwith.

To that end, we will need an additional thirty (30) days time through December 21, 1990. My office is a three man litigation firm. I have prior commitments of both trials, depositions, and plans to be out of state during the intervening period. I will be out of my office from November 21, and in trial, through December 12, 1990.

I would appreciate your patience in this matter, and we will plan on supplying an appropriate response. If this letter is not sufficient, would you please call. Due to my lack of familiarity in this area, I am attempting to associate appropriate personnel. Thanks.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Charles T. McDevitt

25043620076

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 25 PM 3:01

06-0722

McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

90 NOV 26 AM 10:56

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1985

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 25 PM 1:30

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 25 PM 3:00

November 20, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Thomas J. McDevitt, M.D.

Ms. Lerner:

Dr. Thomas J. McDevitt has brought into this office the Complaint in the above-referenced matter.

We need the ability to investigate and make an appropriate response. I am concurrently obtaining the signed Statement of Designation of Counsel and will forward the same forthwith.

To that end, we will need an additional thirty (30) days time through December 21, 1990. My office is a three man litigation firm. I have prior commitments of both trials, depositions, and plans to be out of state during the intervening period. I will be out of my office from November 21, and in trial, through December 12, 1990.

I would appreciate your patience in this matter, and we will plan on supplying an appropriate response. If this letter is not sufficient, would you please call. Due to my lack of familiarity in this area, I am attempting to associate appropriate personnel. Thanks.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Dr. Thomas J. McDevitt

5943620077

06-8721

RECEIVED
FEDERAL ELECTION COMMISSION
MAY 1990

McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

90 NOV 26 AM 10: 57

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

November 20, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Draft McDevitt for Congress and
Bruna M. McDevitt as Treasurer

Ms. Lerner:

Bruna M. McDevitt has brought into this office the Complaint in the above-referenced matter.

We need the ability to investigate and make an appropriate response. I am concurrently obtaining the signed Statement of Designation of Counsel and will forward the same forthwith.

To that end, we will need an additional thirty (30) days time through December 21, 1990. My office is a three man litigation firm. I have prior commitments of both trials, depositions, and plans to be out of state during the intervening period. I will be out of my office from November 21, and in trial, through December 12, 1990.

I would appreciate your patience in this matter, and we will plan on supplying an appropriate response. If this letter is not sufficient, would you please call. Due to my lack of familiarity in this area, I am attempting to associate appropriate personnel. Thanks.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Bruna M. McDevitt

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

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 25 PM 3: 00

25043620078

06-08723

McDEVITT & MEYERS

ATTORNEYS AT LAW
7TH & LANDER

POST OFFICE BOX 4747
POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

90 NOV 26 AM 10:56

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

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

November 20, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Daniel B. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF FEDERAL COUNSEL
90 NOV 25 PM 3:00

Dear Ms. Lerner:

Daniel B. McDevitt has brought into this office the Complaint in the above-referenced matter.

We need the ability to investigate and make an appropriate response. I am concurrently obtaining the signed Statement of Designation of Counsel and will forward the same forthwith.

To that end, we will need an additional thirty (30) days time through December 21, 1990. My office is a three man litigation firm. I have prior commitments of both trials, depositions, and plans to be out of state during the intervening period. I will be out of my office from November 21, and in trial, through December 12, 1990.

I would appreciate your patience in this matter, and we will plan on supplying an appropriate response. If this letter is not sufficient, would you please call. Due to my lack of familiarity in this area, I am attempting to associate appropriate personnel. Thanks.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Daniel B. McDevitt

5043620079

OG-C 8724

McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

90 NOV 26 AM 10:56

HERMAN J. McDEVITT
1928-1988

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

November 20, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
James P. McDevitt

Dear Ms. Lerner:

James P. McDevitt has brought into this office the Complaint in the above-referenced matter.

We need the ability to investigate and make an appropriate response. I am concurrently obtaining the signed Statement of Designation of Counsel and will forward the same forthwith.

To that end, we will need an additional thirty (30) days time through December 21, 1990. My office is a three man litigation firm. I have prior commitments of both trials, depositions, and plans to be out of state during the intervening period. I will be out of my office from November 21, and in trial, through December 12, 1990.

I would appreciate your patience in this matter, and we will plan on supplying an appropriate response. If this letter is not sufficient, would you please call. Due to my lack of familiarity in this area, I am attempting to associate appropriate personnel. Thanks.

Sincerely,


M. Jay Meyers

MJM/sam
cc: James P. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 25 PM 3:00

0800292465

OGC 8725

McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

90 NOV 26 AM 10:56

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

November 20, 1990

90 NOV 26 PM 1:30

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Draft McDevitt for Congress and
Thomas J. McDevitt, as Treasurer

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 25 PM 3:00

Ms. Lerner:

Dr. Thomas J. McDevitt has brought into this office the Complaint in the above-referenced matter.

We need the ability to investigate and make an appropriate response. I am concurrently obtaining the signed Statement of Designation of Counsel and will forward the same forthwith.

To that end, we will need an additional thirty (30) days time through December 21, 1990. My office is a three man litigation firm. I have prior commitments of both trials, depositions, and plans to be out of state during the intervening period. I will be out of my office from November 21, and in trial, through December 12, 1990.

I would appreciate your patience in this matter, and we will plan on supplying an appropriate response. If this letter is not sufficient, would you please call. Due to my lack of familiarity in this area, I am attempting to associate appropriate personnel. Thanks.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Dr. Thomas McDevitt

1 500293405

STATEMENT OF DESIGNATION OF COUNSEL

06C 8921
RECEIVED

DEC 03 1990

MUR 3164

NAME OF COUNSEL: Robert E. Onnen, Assistant General Counsel

ADDRESS: First Interstate Bank of Idaho, N.A.

P.O. Box 57

Boise, Idaho 83757-0575

TELEPHONE: (208) 389-4233

First Interstate Bank of Idaho, N.A.
BOISE, IDAHO

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.

December 3, 1990
Date

Robert E. Onnen
Signature

RESPONDENT'S NAME: First Interstate Bank of Idaho, N.A.

ADDRESS: P.O. Box 57

Boise, Idaho 38757-0575

HOME PHONE: n/a

BUSINESS PHONE: (208) 389-4233

25043620082

90 DEC -8 PM 1:30

RECEIVED
FEDERAL RESERVE BANK
BOISE, IDAHO

06C8912

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC 10 AM 11:09

McDEVITT & MEYERS

ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205

TELEPHONE
(208) 233-4121
FAX NO
(208) 233-4174

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

December 5, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Thomas J. McDevitt, President
Little Red Hen, Inc.

Dear Ms. Lerner:

Pursuant to our follow up, enclosed please find the the original
Statement of Designation of Counsel for Thomas J. McDevitt.

If you have any questions or comments, please do not hesitate to
contact me.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Thomas J. McDevitt

FEDERAL RECEIVED
FEDERAL ELECTION COMMISSION
COUNSEL
90 DEC 10 PM 4:13

25743620083

McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

December 5, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Daniel B. McDevitt

Dear Ms. Lerner:

Pursuant to our follow up, enclosed please find the the original Statement of Designation of Counsel for Daniel B. McDevitt.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,


M. Jay Meyers

MJM/sam

cc: Daniel B. McDevitt

25043620085

06C 8904

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC 10 AM 11:11

RECEIVED
FEDERAL ELECTION COMMISSION
90 DEC 10 PM 4:13

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3164

NAME OF COUNSEL: M. JAY MEYERS

ADDRESS: McDEVITT & MEYERS

POST OFFICE BOX 4747

POCATELLO, ID 83205

TELEPHONE: (208) 233-4121

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.

11/28/90
Date

Daniel B. McDevitt
Signature

RESPONDENT'S NAME: DANIEL B. McDEVITT

ADDRESS: 237 SOUTH 7TH AVENUE

POCATELLO, ID 83205

HOME PHONE: _____

BUSINESS PHONE: _____

25043620086

060 8905

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC 10 AM 11:10

McDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M JAY MEYERS
JERRY R MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

December 5, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Draft McDevitt for Congress and
Thomas J. McDevitt, as Treasurer

Dear Ms. Lerner:

Pursuant to our follow up, enclosed please find the the original
Statement of Designation of Counsel for Thomas J. McDevitt.

If you have any questions or comments, please do not hesitate to
contact me.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Thomas J. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
90 DEC 10 PM 4:13

5043620087

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3164

NAME OF COUNSEL: M. JAY MEYERS

ADDRESS: MCDEVITT & MEYERS

POST OFFICE BOX 4747

POCATELLO, ID 83205

TELEPHONE: (208) 233-4121

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.

Date

Thomas J. McDevitt
Signature

RESPONDENT'S NAME: THOMAS J. Mc DEVITT

ADDRESS: POST OFFICE BOX 4260

POCATELLO, ID 83205

HOME PHONE: _____

BUSINESS PHONE: _____

25043620038

OGC 8906

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC 10 AM 11:10

MCDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J. MCDEVITT
1928-1988

December 5, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Charles T. McDevitt

Dear Ms. Lerner:

Pursuant to our follow up, enclosed please find the the original Statement of Designation of Counsel for Charles T. McDevitt.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Charles T. McDevitt

5043620089

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL
90 DEC 10 PM 4:13

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3164

NAME OF COUNSEL: M. JAY MEYERS

ADDRESS: McDEVITT & MEYERS

POST OFFICE BOX 4747

POCATELLO, ID 83205

TELEPHONE: (208) 233-4121

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.

Date

Charles T. McDevitt
Signature

RESPONDENT'S NAME: CHARLES T. McDEVITT

ADDRESS: 237 SOUTH 7TH AVENUE

POCATELLO, ID 83205

HOME PHONE: _____

BUSINESS PHONE: _____

25043620000

06C 8907

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC 10 AM 11:10

McDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

December 5, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

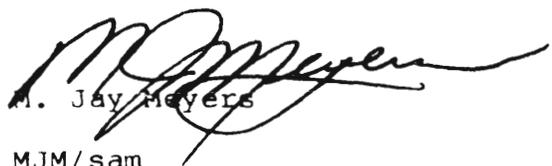
RE: MUR 3164
Draft McDevitt for Congress and
Bruna M. McDevitt as Treasurer

Dear Ms. Lerner:

Pursuant to our follow up, enclosed please find the the original
Statement of Designation of Counsel for Bruna M. McDevitt.

If you have any questions or comments, please do not hesitate to
contact me.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Bruna M. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
90 DEC 10 PM 4:13

25043620091

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3164

NAME OF COUNSEL: M. JAY MEYERS

ADDRESS: McDEVITT & MEYERS

POST OFFICE BOX 4747

POCATELLO, ID 83405

TELEPHONE: (208) 233-4121

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.

Date

Bruna M. McDevitt
Signature

RESPONDENT'S NAME: BRUNA M. McDEVITT

ADDRESS: POST OFFICE BOX 545

POCATELLO, ID 83204

HOME PHONE: _____

BUSINESS PHONE: _____

25043620022

06-C 8908

RECEIVED
FEDERAL ELECTION COMMISSION

90 DEC 10 AM 11:10

MCDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. MCDEVITT
1928-1988

December 5, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Thomas J. McDevitt, M.D.

Dear Ms. Lerner:

Pursuant to our follow up, enclosed please find the the original Statement of Designation of Counsel for Thomas J. McDevitt.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



M. Jay Meyers

MJM/sam
cc: Thomas J. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 DEC 10 PM 4:13

25043620093

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3164

NAME OF COUNSEL: M. JAY MEYERS

ADDRESS: McDEVITT & MEYERS

POST OFFICE BOX 4747

POCATELLO, ID 83205

TELEPHONE: (208) 233-4121

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.

Date


Signature

RESPONDENT'S NAME: THOMAS J. McDEVITT, M.D.

ADDRESS: 237 SOUTH 7TH AVENUE

POCATELLO, ID 83205

HOME PHONE: _____

BUSINESS PHONE: _____

25043620074

06-8909

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC 10 AM 11:09

McDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M JAY MEYERS
JERRY R. MEYERS
STEVEN A THOMSEN

HERMAN J. McDEVITT
1928-1988

December 5, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
James P. McDevitt

Dear Ms. Lerner:

Pursuant to our follow up, enclosed please find the the original Statement of Designation of Counsel for James P. McDevitt.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,


M. Jay Meyers

MJM/sam
cc: James P. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL
90 DEC 10 PM 4:13

5043620095

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3164

NAME OF COUNSEL: M. JAY MEYERS

ADDRESS: MCDEVITT & MEYERS

POST OFFICE BOX 4747

POCATELLO, ID 83205

TELEPHONE: (208) 233-4121

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.

26 Nov 90
Date

James P. McDevitt
Signature

RESPONDENT'S NAME: JAMES P. MCDEVITT

ADDRESS: 237 SOUTH 7TH AVENUE

POCATELLO, IDAHO 83205

HOME PHONE: _____

BUSINESS PHONE: _____

25043620096

OGC 8910

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC 10 AM 11:09

McDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

December 5, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Sean D. McDevitt

Dear Ms. Lerner:

Pursuant to our follow up, enclosed please find the the original Statement of Designation of Counsel for Sean D. McDevitt.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Sean D. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL
90 DEC 10 PM 4:13

25043620077

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3164

NAME OF COUNSEL: M. JAY MEYERS

ADDRESS: McDEVITT & MEYERS

POST OFFICE BOX 4747

POCATELLO, ID 83205

TELEPHONE: (208) 233-4121

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.

Date



Signature

RESPONDENT'S NAME: SEAN D. McDEVITT

ADDRESS: POST OFFICE BOX 545

POCATELLO, ID 83204

HOME PHONE: _____

BUSINESS PHONE: _____

2504362008

00-8911

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC 10 AM 11:09

McDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1088

December 5, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 3164
Bruna M. McDevitt

Dear Ms. Lerner:

Pursuant to our follow up, enclosed please find the the original Statement of Designation of Counsel for Bruna M. McDevitt.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,


M. Jay Meyers

MJM/sam
cc: Bruna M. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE FEDERAL COUNSEL
90 DEC 10 PM 4:13

25043620099

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3164

NAME OF COUNSEL: M. JAY MEYERS

ADDRESS: McDEVITT & MEYERS

POST OFFICE BOX 4747

POCATELLO, ID 83205

TELEPHONE: (208) 233-4121

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.

Date

Bruna M. McDevitt
Signature

RESPONDENT'S NAME: BRUNA M. McDEVITT

ADDRESS: 237 SOUTH 7th AVENUE

POCATELLO, ID 83205

HOME PHONE: _____

BUSINESS PHONE: _____

25043620100



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 10, 1990

M. Jay Meyers, Esq.
McDevitt & Meyers
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164

Dear Mr. Meyers:

This will acknowledge receipt of your letters, all dated November 20, 1990, in which you requested extensions to respond to the complaint in the above-referenced matter. As referenced in several messages left with members of your office, Commission policy requires that in order for your requests to be considered, a signed designation of counsel statement must be received by this Office. A designation of counsel statement is being provided to you with this letter.

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
Designation of Counsel Statement

25043620101



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

December 12, 1990

M. Jay Meyers
McDevitt & Meyers
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164
Sean D. McDevitt
McDevitt for Congress and
Bruna M. McDevitt, as treasurer
Draft McDevitt for Congress and
Thomas J. McDevitt, as treasurer
Thomas J. McDevitt, M.D.
Bruna M. McDevitt
Charles T. McDevitt
Daniel B. McDevitt
James P. McDevitt
Little Red Hen, Inc.

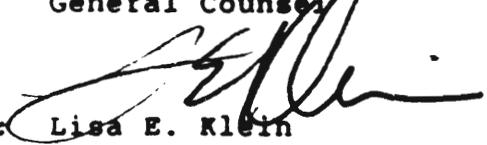
Dear Mr. Meyers:

This is in response to your letters, all dated November 20, 1990, which we received on November 26, 1990, requesting extensions until December 21, 1990, to respond to the complaint in this matter. After receiving signed designation of counsel statements for each of your clients on December 10, 1990, I have considered the circumstances presented in your letters and have granted the requested extensions. Accordingly, your response is due by the close of business on December 21, 1990.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lisa E. Klein
Assistant General Counsel

25043620102



First Interstate Bank
of Idaho, N.A.
Legal and Consumer Compliance
P.O. Box 57
Boise, ID 83757-0575
208 389-4230

OGC 9000

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 DEC 17 PM 12:19

December 12, 1990

Mr. Craig Reffner, Esq.
Federal Election Commission
999 East N.W.
Washington D.C. 20463

RE: MUR3164

Dear Mr. Reffner:

In response to your MUR3164 which we received on November 30, 1990, we had conducted an investigation of the allegations contained therein and respond as follows:

- 1) The first question raised is whether the loan was actually guaranteed by Sean McDevitt? As indicated in the attached promissory note, the loan was made directly to Sean McDevitt as an individual maker and not as a guarantor.
- 2) The next question raised was whether the loan was guaranteed by Little Red Hen, Inc.? The loan was not guaranteed by said corporation.
- 3) The last question was whether the loan was guaranteed by Sean McDevitt's parents. The loan was not guaranteed by anyone.

Very truly yours,

Robert E. Onnen
Assistant General Counsel

REO/rb

Enclosure

#575/rb/misc/dec90.10

25043620103

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 DEC 17 PM 3:01

30,000.00 Pocatello Idaho, February 20, 1990

Payable on demand or if no demand is made then due on 02-15-91, for value received, each of the undersigned, jointly and severally, promises to pay in lawful money of the United States of America, to the order of First Interstate Bank of Idaho, N.A., at its Pocatello - CBC Branch,

***** THIRTY THOUSAND AND NO/100***** Dollars,

with interest thereon at the rate of --- % per annum; or BAR plus --- % adjusted monthly;

Prime plus 2.00 % fully floating. Prime rate means the interest rate which, from time to time, is announced by the Bank as its prime rate. BAR is defined as the Base Agricultural Rate announced by First Interstate Bank of Idaho, N.A. monthly.

Payable from Date --- until paid, interest payable Quarterly

and if not so paid, the whole sum of both principal and interest shall become immediately due and payable at the option of the holder of this note. If suit or action is instituted to collect this note, or any portion thereof, each of the undersigned, jointly and severally, promises to pay such additional sum as the trial court and any appellate court may adjudge reasonable as attorneys' fees in said suit or action.

Address: 237 So. 7th, Poc. Id. 83201

Sean McDevitt
Sean McDevitt, individual

N 308 (7 82)

2504362010

OGC 9138

McDEVITT & MEYERS

ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205

TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

90 DEC 27 AM 10:34

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

December 21, 1990

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

RE: MUR 3164
Charles T. McDevitt

Dear Commissioners:

On behalf of Charles T. McDevitt, I hereby deny any illegal activity. Indeed, my client's name is only brought up as an attempt to smear my client, Charles T. McDevitt's name.

If there are indeed specific allegations that my client has personally engaged in a practice prohibited by the Federal Election Campaign Act of 1971 as amended and related regulations, I would request conciliation proceedings.

Respectfully submitted,


M. Jay Meyers

MJM/sam
cc: Charles T. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
90 DEC 27 PM 1:30

25943620106

DGC 9141

McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

RECEIVED
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OFFICE SERVICES BRANCH

90 DEC 27 AM 10:34

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

RECEIVED
FEDERAL ELECTION COMMISSION
90 DEC 27 PM 1:30

December 21, 1990

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

RE: MUR 3164
Sean D. McDevitt
McDevitt for Congress and Bruna M. McDevitt, as Treasurer
McDevitt for Congress and Thomas J. McDevitt, as Treasurer
Thomas J. McDevitt, M.D.
Bruna M. McDevitt
Thomas J. McDevitt, President Little Red Hen, Inc.

Dear Gentlemen:

We individually wish to respond to the allegations of Mr. Conley Ward. Mr. Ward has filed his Complaint alleging violations of the Federal Election Campaign Act of 1971, as amended, and related regulations of the Federal Election Commission on October 31, 1990. This Complaint was filed before the election and "during the heat of the campaign". Indeed, the date filing stamp shows that it was not received by the Federal Election Commission until November 5, 1990, and just before election day itself.

My clients would deny many of the broad-brush allegations of Mr. Ward.

It is obvious that Mr. Ward's allegations on behalf of his party are unfounded, based upon surmise, and are made without probable cause.

The Federal Election Commission Report for November, 1990, has now been filed. The unfounded allegations should be timely answered in that report.

That report documents as follows: The \$30,000.00 loan was timely repaid.

5043620107

Federal Election Commission
December 21, 1990
Page 2

The allegations of corporate contributions have been answered.
Rent and mileage were paid.

No guarantee of Sean McDevitt's loan with First Interstate Bank
was made by Dr. and Mrs. McDevitt.

If there are any specific allegations remaining unanswered, they
are specifically denied.

Pursuant to preliminary procedures for processing Complaints
filed with the Federal Election Commission, conciliation is
requested as to all necessary matters.

Respectfully submitted,


M. Jay Meyers

MJM/sam

cc: Sean D. McDevitt
Bruna M. McDevitt
Thomas J. McDevitt

25043620108

06C 9140

McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

90 DEC 27 AM 10: 34

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

December 21, 1990

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

RE: MUR 3164
Daniel B. McDevitt

Dear Commissioners:

On behalf of Daniel B. McDevitt, I hereby deny any illegal activity. Indeed, my client's name is only brought up as an attempt to smear my client, Daniel B. McDevitt's name.

If there are indeed specific allegations that my client has personally engaged in a practice prohibited by the Federal Election Campaign Act of 1971 as amended and related regulations, I would request conciliation proceedings.

Respectfully submitted,


M. Jay Meyers

MJM/sam
cc: Daniel B. McDevitt

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FEDERAL ELECTION COMMISSION
OFFICE OF ELECTIONS AND DISTRICTS
90 DEC 27 PM 1: 30

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OFFICE SERVICES BRANCH

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McDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1924-1988

December 21, 1990

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

RE: MUR 3164
James P. McDevitt

Dear Commissioners:

On behalf of James P. McDevitt, I hereby deny any illegal activity. Indeed, my client's name is only brought up as an attempt to smear my client, James P. McDevitt's name.

If there are indeed specific allegations that my client has personally engaged in a practice prohibited by the Federal Election Campaign Act of 1971 as amended and related regulations, I would request conciliation proceedings.

Respectfully submitted,


M. Jay Meyers

MJM/sam
cc: James P. McDevitt

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McDEVITT & MEYERS

ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

May 9, 1991

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

Re: MUR 3164
McDevitt for Congress and Bruna M. McDevitt as Treasurer

Gentlemen:

We have had no response to our letter of December 21, 1990. In fact, this complaint was filed just before the November election and "during the heat of the campaign."

The broad brush allegations are unfounded and, based upon surmise, were made without probable cause. Please refer to the November 1990 Federal Election Commission Report for Sean McDevitt.

Would you please advise as to whether or not these files have now been closed so that I might close my files.

Sincerely,

M. Jay Meyers
M. Jay Meyers 547

MJM/hv
cc Client

91 MAY 14 PM 2:59

RECEIVED
FEDERAL ELECTION COMMISSION
DAB ROOM

504362011

OGC 11

FEDERAL ELECTION COMMISSION
MAIL ROOM

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McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-4121

FAX NO

(208) 233-4174

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J McDEVITT
1928-1988

May 9, 1991

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

Re: MUR 3164
McDevitt for Congress and Thomas J. McDevitt as Treasurer

Gentlemen:

We have had no response to our letter of December 21, 1990. In fact, this complaint was filed just before the November election and "during the heat of the campaign."

The broad brush allegations are unfounded and, based upon surmise, were made without probable cause. Please refer to the November 1990 Federal Election Commission Report for Sean McDevitt.

Would you please advise as to whether or not these files have now been closed so that I might close my files.

Sincerely,

M Jay Meyers
M. Jay Meyers 547

MJM/hv
cc Client

91 MAY 14 PM 2:58

FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

25743620112

06C 1134

RECEIVED
FEDERAL ELECTION COMMISSION
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91 MAY 14 PM 12:11

MCDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1924-1998

May 9, 1991

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

Re: MUR 3164
Sean D. McDevitt

Gentlemen:

We have had no response to our letter of December 21, 1990. In fact, this complaint was filed just before the November election and "during the heat of the campaign."

The broad brush allegations are unfounded and, based upon surmise, were made without probable cause. Please refer to the November 1990 Federal Election Commission Report for Sean McDevitt.

Would you please advise as to whether or not these files have now been closed so that I might close my files.

Sincerely,


M. Jay Meyers *SM*

MJM/hv
cc Client

91 MAY 14 PM 2:59

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OFFICE OF THE CLERK

5043620113

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McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

91 MAY 14 PM 12:13

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J McDEVITT
1928-1988

May 9, 1991

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

Re: MUR 3164
Charles T. McDevitt

Gentlemen:

We have had no response to our letter of December 21, 1990. In fact, this complaint was filed just before the November election and "during the heat of the campaign."

The broad brush allegations are unfounded and, based upon surmise, were made without probable cause. Please refer to the November 1990 Federal Election Commission Report for Sean McDevitt.

Would you please advise as to whether or not these files have now been closed so that I might close my files.

Sincerely,


M. Jay Meyers
SM

MJM/hv
cc Client

91 MAY 14 PM 2:58

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FEDERAL ELECTION COMMISSION
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McDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J McDEVITT
1928-1988

May 9, 1991

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

Re: MUR 3164
Daniel B. McDevitt

Gentlemen:

We have had no response to our letter of December 21, 1990. In fact, this complaint was filed just before the November election and "during the heat of the campaign."

The broad brush allegations are unfounded and, based upon surmise, were made without probable cause. Please refer to the November 1990 Federal Election Commission Report for Sean McDevitt.

Would you please advise as to whether or not these files have now been closed so that I might close my files.

Sincerely,


M. Jay Meyers 5411

MJM/hv
cc Client

91 MAY 14 PM 2:58

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McDEVITT & MEYERS
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE:
(208) 233-4121
FAX NO:
(208) 233-4174

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J. McDEVITT
1928-1988

May 9, 1991

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

Re: MUR 3164
James P. McDevitt

Gentlemen:

We have had no response to our letter of December 21, 1990. In fact, this complaint was filed just before the November election and "during the heat of the campaign."

The broad brush allegations are unfounded and, based upon surmise, were made without probable cause. Please refer to the November 1990 Federal Election Commission Report for Sean McDevitt.

Would you please advise as to whether or not these files have now been closed so that I might close my files.

Sincerely,


M. Jay Meyers

MJM/hv
cc Client

91 MAY 14 PM 2:58

RECEIVED
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OFFICE OF THE CLERK

25043620117

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McDEVITT & MEYERS

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE:

(208) 233-4121

FAX NO:

(208) 233-4174

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J. McDEVITT
1928-1998

May 9, 1991

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

Re: MUR 3164
Thomas J. McDevitt, President Little Red Hen, Inc.

Gentlemen:

We have had no response to our letter of December 21, 1990. In fact, this complaint was filed just before the November election and "during the heat of the campaign."

The broad brush allegations are unfounded and, based upon surmise, were made without probable cause. Please refer to the November 1990 Federal Election Commission Report for Sean McDevitt.

Would you please advise as to whether or not these files have now been closed so that I might close my files.

Sincerely,

M Jay Meyers
M. Jay Meyers 547

MJM/hv
cc Client

91 MAY 14 PM 2:58
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FEDERAL ELECTION COMMISSION
MAIL ROOM

05043620118

RECEIVED
F.E.C.
SECRETARIAT

FEDERAL ELECTION COMMISSION
999 E Street, N.W. SEP 27 PM 12:25
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR #3164
DATE COMPLAINT RECEIVED
BY OGC: November 5, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: November 13, 1990
STAFF MEMBER: Craig D. Reffner

COMPLAINANTS: Conley Ward on behalf of
the Idaho State Democratic Party

RESPONDENTS: Sean D. McDevitt
McDevitt for Congress and
Bruna M. McDevitt, as treasurer
Draft McDevitt for Congress and
Thomas J. McDevitt, as treasurer
Thomas J. McDevitt
Bruna M. McDevitt
Charles T. McDevitt
Daniel B. McDevitt
James P. McDevitt
Little Red Hen, Inc. and
Thomas J. McDevitt, as President
Sean D. McDevitt, as Vice President
First Interstate Bank of Idaho, N.A.

RELEVANT STATUTES: 2 U.S.C. § 441a
2 U.S.C. § 441b

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter arose from a complaint alleging that Sean McDevitt, his principal campaign committee, McDevitt for Congress and Bruna M. McDevitt, as treasurer (collectively known as the "Committee"), and various members of his family violated the Federal Election Campaign Act of 1971, as amended (the "Act"), during Idaho's 1990 Second Congressional District

25043620119

election.¹ Responses have been received. Attachments A-E.

II. FACTUAL AND LEGAL ANALYSIS

A. Summary of Allegations and Responses

According to the complainant, Sean McDevitt's family was involved in his 1990 campaign "at a level beyond that permitted by federal law." The complainant cites, for example, the Committee's alleged acceptance of excessive contributions from the candidate's parents, including a \$30,000 loan, as well as the purported subsidization of Sean McDevitt's campaign with various in-kind contributions from the Little Red Hen, Inc. (the "Corporation"), a corporation managed by the candidate's family. In addition, the complainant also challenges the legality of a loan which Sean McDevitt received from the First Interstate Bank of Idaho, N.A. (the "Bank").

As a background for his allegations, the complainant asserts that the Respondents are quite knowledgeable about election law and that an investigation should be conducted to determine if the alleged violations are of a knowing and willful nature. According to the complainant, in early 1989 Sean McDevitt's family organized and financed the Draft McDevitt for Congress Committee (the "Draft Committee"), which eventually filed a statement of organization with the Commission in January 1990. The complainant states that while Sean McDevitt may have disavowed any notions of candidacy in June 1989, he subsequently

1. A review of Commission materials shows that Sean McDevitt participated in Idaho's primary and general elections held on May 22, 1990, and November 6, 1990, respectively. In the general election, he received 36.38% of the vote.

25043620120

filed a statement of candidacy in January 1990, less than one month after the Draft Committee registered with the Commission. The complainant surmises that although there is "nothing facially illegal" about this activity, these actions nonetheless show that Sean McDevitt and his family "knew the Act's proscriptions well enough to execute a fairly complex maneuver in a testing-the-waters committee," and that the alleged violations were not committed "unwittingly."

25043620121
In a response submitted on behalf of Sean McDevitt, his parents, Thomas and Bruna McDevitt, the Committee, the Corporation and the Draft Committee, counsel states that his "clients would deny many of the broad-brush allegations" in the complaint. Attachment A. Counsel further states that the Committee's disclosure reports show that the \$30,000 loan from the candidate's parents was repaid and that "[r]ent and mileage were [also] paid" to the family-owned corporation. Id. at 1-2. Counsel further asserts that the loan which Sean McDevitt received from the First Interstate Bank was not guaranteed by the candidate's parents and concludes by requesting conciliation "as to all necessary matters." Id. at 2.

Three separate, yet identical responses were also submitted by counsel on behalf of James P. McDevitt, Charles T. McDevitt and Daniel B. McDevitt. Attachments B, C and D. On behalf of each, counsel summarily denies "any illegal activity" and states that if there are any "specific allegations," then "conciliation proceedings" are requested. Attachments B, C and D.

Finally, in its response, the First Interstate Bank of

Idaho acknowledges providing Sean McDevitt with a \$30,000 loan, which the Bank asserts was not guaranteed by the candidate's parents or by the Little Red Hen. Attachment E. In support of this assertion, the Bank provided a copy of a loan document evidencing a \$30,000 loan made to Sean McDevitt on February 20, 1990. Id. at 2-3. A review of this document shows that it contains neither the name nor signature of any other party, except Sean McDevitt. Id.

B. Applicable law

The Act limits the amount an individual can contribute to a candidate or the candidate's authorized political committee, with respect to any election for Federal office, to an aggregate amount of \$1,000. 2 U.S.C. § 441a(a)(1)(A). In addition, the Act prohibits candidates and their committees from knowingly accepting any contributions in excess of the Act's limitations. 2 U.S.C. § 441a(f). The Act defines a contribution to include a loan, 2 U.S.C. § 431(8), and the Commission's regulations provide that a loan becomes a contribution when it is made, remains such to the extent that it remains unpaid and may not exceed the contribution limits of the Act even if it is repaid. 11 C.F.R. § 100.7(a). The term "contribution" does not, however, include funds received solely for the purpose of determining whether an individual should become a candidate, although, for purposes of Section 441a, once the individual becomes a candidate, all the funds received during this "testing-the-waters" period will be aggregated with the contributions received during the individual's campaign.

25043620122

11 C.F.R. § 100.7(b). See also 11 C.F.R. § 100.8(b)(similarly excludes payments made for "testing-the-waters" purposes from the definition of "expenditure").

Under the Commission's regulations, a committee's treasurer is responsible for determining that all contributions to the committee comply with the limitations of the Act. 11 C.F.R. § 103.3(b). Contributions, which on their face exceed the contribution limitations of the Act and contributions which do not appear to be excessive on their face, but which exceed the contribution limits when aggregated with other contributions from the same contributor, may be either deposited into a campaign depository or refunded to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may seek redesignation or reattribution for the contribution, but if redesignation or reattribution is not obtained, then the contribution must be refunded within sixty (60) days from the date of receipt. Id. See 11 C.F.R. §§ 110.1(b)(5) and 110.2(b)(5)(guidelines for obtaining redesignations) and 11 C.F.R. § 110.1(k)(3)(guideline for obtaining reattribution). In addition to a sixty-day time period for refunding excessive contributions, the Commission's regulations further provide that any contribution which appears to be excessive on its face, and which is deposited into a campaign depository shall not be used for any disbursements by the committee until the contribution has been determined to be legal. 11 C.F.R. § 103.3(b)(4).

Pursuant to 2 U.S.C. § 441b(a), corporations and national banks are prohibited from making contributions or expenditures

25043620123

from their general treasury funds in connection with any federal election, while candidates and their authorized campaign committees are prohibited from knowingly accepting or receiving such contributions. Section 441b(a) further prohibits any officer or director of any corporation or national bank from consenting to such contributions or expenditures.

For purposes of Section 441b, a contribution includes "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value" made to any candidate. 2 U.S.C. § 441b(b)(2).

Commission regulations further explain that "anything of value" includes all in-kind contributions, including the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services. 11 C.F.R. § 100.7(a)(1)(iii)(A). The term "usual and normal charge" is defined to mean in the case of goods, the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. 11 C.F.R. § 100.7(a)(1)(iii)(B).

With regard to loans, the Act provides that a contribution does not include "a loan of money by a national bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business." 2 U.S.C. § 441b(b)(2). Under the Commission's regulations, a loan from a bank will be deemed to have been made in the ordinary course of business if it bears the usual and customary interest rate of the lending institution for the category of loan involved, is made on a

25043620124

basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule. 11 C.F.R. § 100.7(b)(11).

C. Analysis

Based upon the complaint and the responses reviewed to date, it is clear that Sean McDevitt's family financially supported his 1990 campaign. For example, Respondents acknowledge that Sean McDevitt's parents provided a \$30,000 loan to their son's campaign, which they assert has been refunded. Moreover, as discussed below, a review of the available information raises questions concerning the total extent of support that Sean McDevitt received from his family and from the family-run corporation.

1. Section 441a Violations

According to the complainant, all the members of Sean McDevitt's family made excessive contributions to his campaign. In particular, the complainant cites a \$30,000 loan purportedly received from the candidate's parents, Thomas and Bruna McDevitt. The complainant states this loan was made to the Committee on October 11, 1990, and subsequently acknowledged as an illegal contribution by the candidate's father in a letter written to the Commission on October 22, 1990:

On October 11, 1990, I lent my son, Sean McDevitt, \$30,000. Since then, I have been told that this loan may be against the rules.

If so, I apologize. The money is being repaid.

See Complaint at 2-3. The complainant further states that

25043620125

Sean McDevitt also acknowledged the existence of the loan during a radio announcement, in which he purportedly stated that it was being repaid.²

2 5 0 4 3 6 2 0 1 2 6

A review of the 1990 12 Day Pre-General Election Report confirms that the Committee received a \$30,000 loan from the candidate's parents on October 11, 1990. Commission materials also include the letter, dated October 22, 1990, apparently written by Thomas McDevitt, acknowledging that the loan was made and stating that it "may be against the rules." With regard to the assertion that this loan was refunded, the 30 Day Post-General Election Report shows that on November 23, 1990, the Committee made a disbursement of \$30,000 to Thomas McDevitt and received contributions from the candidate's parents totaling \$4,000. The contribution designations for the \$4,000 show that each parent contributed \$1,000 to the primary and general elections. In this regard, it appears that the Committee refunded the \$30,000 loan and, in its place, received contributions from the candidate's parents which appear to be within the limitations of the Act. However, the Committee's apparent corrective action fails as a review of disclosure materials shows that prior to the date of the purported refunding, funds from the loan were used to make disbursements,

2. The complainant contends that once the Respondents discovered the loan to be excessive, the Committee should have used the next funds it received to repay the loan. Contrary to this assertion, Section 103.3(b)(2) requires a committee to use the next available funds to refund prohibited contributions, not excessive contributions. Compare 11 C.F.R. § 103.3(b)(2) (refunding of prohibited contributions) with 11 C.F.R. § 103.3(b)(3) (refunding of excessive contributions).

and the Commission's regulations prohibit such use of a contribution which is excessive on its face, even if it is refunded within the time period set forth in the Commission's regulations. 11 C.F.R. § 103.3(b)(4).

The public record also supports the complainant's allegations concerning the Draft McDevitt for Congress Committee and raises the possibility of additional excessive contributions from Sean McDevitt's family. Disclosure materials show that the Draft Committee filed a statement of organization and a single disclosure report, requesting termination, on January 17, 1990. A review of this disclosure report shows the receipt of contributions totaling \$4,953.72 from the following members of Sean McDevitt's family: Thomas J. McDevitt, M.D., \$1,000; Bruna M. McDevitt, \$1,000; Charles T. McDevitt, \$1,000; Daniel B. McDevitt, \$1,000; and James P. McDevitt, \$932.45.

Although the contributions received by a committee which is organized for the purpose of drafting an individual as a candidate for Federal office generally are not subject to the contribution limitations of the Act, see Federal Election Comm'n v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir.), cert. denied, 454 U.S. 897 (1981), the facts concerning the Draft McDevitt for Congress Committee warrant special consideration. According to the complainant, the "Draft Committee" was organized by Sean McDevitt's family for "testing-the-waters" purposes. Moreover, the Draft Committee, which was apparently comprised solely of the candidate's family members, filed a statement of organization and termination

25043620127

report within two weeks of when Sean McDevitt filed his statement of candidacy and a statement of organization for his principal campaign committee. As such, it would appear that the Draft Committee may have been operating on behalf of Sean McDevitt's campaign, perhaps in a "testing-the-waters" capacity, rather than in an effort to draft him as a Federal candidate. If so, the contributions to the Draft Committee should be aggregated with the contributions to Sean McDevitt's principal campaign committee. See 11 C.F.R. §§ 100.7(b)(1) and 100.8(b)(1). Given the available information, including the circumstances surrounding the \$30,000 loan, this would result in contributions totaling \$36,000 from the candidate's parents.³

Accordingly, this Office recommends that the Commission find reason to believe that Thomas J. McDevitt and Bruna M. McDevitt each violated 2 U.S.C. § 441a(a) and that

3. Even if the Draft Committee was organized and actually functioned for the purpose that its name implies, then it would nonetheless be subject to the registration and reporting requirements of the Act. Machinists Non-Partisan Political League, 655 F.2d at 394-95, (citing the 1979 amendments to the Act as an indication that "'draft'" groups would be required to comply with the reporting requirement). See also Federal Election Comm'n v. Florida for Kennedy Committee, 681 F.2d at 1288 n.11 (11th Cir. 1982)(noting that the 1979 amendments to the Act cover draft groups for "some purposes" of the Act). In this regard, there may be an issue concerning the timeliness of the Draft Committee's filing with the Commission. A review of the report filed by the Draft Committee shows the receipt of contributions in excess of \$1,000 as early as January 1989, which is approximately one year prior to the date the statement of organization in question was filed. However, since it has not been determined whether the Draft Committee was operating to draft Sean McDevitt as a candidate or organized for testing-the-waters purposes, this Office makes no recommendation at this time with regard to the timeliness of the Draft Committee's filing.

25043620128

McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f).⁴

2. Section 441b Violations

a. Corporate contributions

In addition to receiving excessive contributions from the members of his family, the complainant alleges that Sean McDevitt's campaign was subsidized with in-kind contributions from the Little Red Hen, Inc., an Idaho corporation purportedly owned and managed by Sean McDevitt's family, with Thomas McDevitt as President and Sean McDevitt as Vice President. The complainant surmises that since disclosure reports filed by the Committee show no disbursements "for rent, fax machines, photocopying machines, computers or furniture," Sean McDevitt "apparently avoided paying for these necessities of running a campaign by appropriating the facilities of Little Red Hen, Inc." In support of his allegation, the complainant

4. With regard to Charles T., Daniel B. and James P. McDevitt, the other members of the candidate's family named in the complaint, disclosure reports reveal that their direct contributions were within the prescribed limits. However, given the apparent family involvement in the campaign and the allegation of in-kind contributions from the family-run corporation, this Office makes no recommendation with regard to these three Respondents pending discovery responses from the other Respondents.

Additionally, as noted earlier, the complainant alleged that the Respondents knowingly and wilfully violated the Act. See supra pp. 2-3. However, the circumstances surrounding the Respondents' activities during Sean McDevitt's 1990 campaign remain to be determined. Thus, pending the receipt of additional information, this Office makes no recommendation as to the whether any of the apparent Section 441a violations were committed knowingly and wilfully. See also infra p. 15 note 6 (no recommendation as to whether Section 441b violations were committed knowingly and wilfully).

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specifically states that the Committee's headquarters were located in a building owned by the Corporation. The complainant notes by way of comparison that one of the Corporation's tenants pays \$400 per month for approximately the same size office space as that used by the Committee, and since the McDevitt campaign used the office for 10 months, a total of \$4,000 in rent should have been paid. In addition to the use of office space, the complainant also alleges that the candidate used a "pickup truck" owned by the Corporation free of charge for his campaign activities.⁵

Respondents acknowledge that the Committee received some use of the Corporation's facilities and argue that disclosure reports filed by the Committee show that "rent and mileage" were paid. Attachment A. A review of disclosure materials shows that the Committee apparently made disbursements to the Corporation for "rent," on November 1 and 11, 1990, in the amounts of \$2,900.00 and \$2,210.41, respectively.

However, the information presently available does not provide an adequate basis for determining the extent of corporate involvement with the campaign and whether that involvement resulted in a violation of the Act. First, although Respondents assert that the Committee paid the Corporation for "rent and mileage," a review of itemized

5. The complainant mistakenly asserts that the receipt of in-kind corporate contributions is in violation of the Act's contribution limits. Contrary to this assertion, the Act does not limit corporate contributions to \$1,000 per election, but rather prohibits contributions from a corporation's general treasury funds altogether. See 2 U.S.C. § 441b(a).

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information in the 30 Day Post-General Election Report shows that the Committee's disbursements were apparently made for "rent," not "rent and mileage." Second, it appears that the Committee's purported rent payments were made solely in response to the complaint, some ten months after the Committee filed a statement of organization. Moreover, aside from the complainant's assertion that the Corporation charges \$400 per month for an office alleged to be similar to that occupied by the Committee, there is no indication that the amount of rent purportedly paid would constitute a usual and normal charge. Finally, given the conclusory nature of the responses and the type of support concededly provided by the family-run corporation, further inquiry is warranted to determine whether Thomas and Sean McDevitt, respectively, the Corporation's President and Vice President, may have provided the campaign with other in-kind contributions.

b. Bank loan

Finally, the complainant challenges the legality of a \$30,000 loan which Sean McDevitt received from the First Interstate Bank of Idaho. According to the complainant, since Sean McDevitt "had just returned from out of state and did not have a job," and since "[c]ommercial banks will not generally give loans of this size absent substantial collateral and/or a demonstrated ability to repay the loan through gainful employment," the bank loan may have been guaranteed by the candidate's parents or by the Corporation.

Respondents acknowledge that Sean McDevitt obtained a

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\$30,000 loan from the First Interstate Bank and a review of disclosure reports filed by the Committee shows the receipt of this bank loan on February 28, 1990. Attachment A.

Additionally, the Bank, in its response, acknowledges providing Sean McDevitt with a \$30,000 loan and a review of the document evidencing this loan confirms that it was apparently not guaranteed by the candidate's parents or by the Corporation. Attachment E at 2-3.

25043620132
However, the complainant alleged that Sean McDevitt had recently returned to the State and was unemployed, thus raising an issue as to whether the loan was made in the ordinary course of business, on a basis that would guarantee repayment. The information presently available does not resolve this issue fully. Although the loan document shows that the terms of the loan include a due date of February 15, 1991, and an interest rate of "Prime plus 2.00%," the Bank did not provide any information concerning the basis for granting the loan, such as Sean McDevitt's source of income. Moreover, Mr. McDevitt's employment status at the time of receiving the loan is ambiguous. The complainant, in contradiction to his allegation that Sean McDevitt was unemployed, asserts in another section of his complaint that Mr. McDevitt was a Vice President of the Little Red Hen. Disclosure reports filed by the Committee add to the ambiguity, as the Committee lists Sean McDevitt as an employee of the Little Red Hen, but describes his position as that of "political candidate."

In light of the foregoing, this Office recommends that the

Commission find reason to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, the First Interstate Bank of Idaho, N.A., and Sean D. McDevitt each violated 2 U.S.C. § 441b(a).⁶

D. Discovery

In light of the need to determine the nature and scope of activities undertaken by the Draft Committee and the extent of support that Sean McDevitt's family and the family-owned corporation, the Little Red Hen, provided to his campaign, this Office recommends that the Commission decline to enter into conciliation with any of the Respondents at this time. In addition, this Office further recommends that the Commission approve the attached subpoenas to take the depositions of Sean D. McDevitt and Thomas J. McDevitt and to produce documents. Attachment F. Given the overlapping relationships between the various Respondents as well as the limited response provided by counsel, the information needed to clarify the circumstances surrounding the apparent violations at issue in this matter may best be obtained through oral testimony rather than through a written response to discovery questions.

III. RECOMMENDATIONS

1. Find reason to believe that Thomas J. McDevitt violated 2 U.S.C. § 441a(a).

6. As previously noted, see supra p. 11 note 4, pending the receipt of additional information, this Office makes no recommendation as to whether any of the apparent Section 441b violations were committed knowingly and wilfully.

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2. Find reason to believe that Bruna M. McDevitt violated 2 U.S.C. § 441a(a).

3. Find reason to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 441b(a).

4. Find reason to believe that Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, violated 2 U.S.C. § 441b(a).

5. Find reason to believe that Sean D. McDevitt violated 2 U.S.C. § 441b(a) with respect to the loan received from the First Interstate Bank of Idaho, N.A.

6. Find reason to believe that the First Interstate Bank of Idaho, N.A., violated 2 U.S.C. § 441b(a).

7. Decline to enter into conciliation with any of the Respondents at this time.

8. Approve the appropriate letters and the attached Factual and Legal Analyses (5) and subpoenas (2).

Lawrence M. Noble
General Counsel

Date 9/26/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

- A. Response of Sean D. McDevitt, Thomas J. McDevitt, Bruna M. McDevitt, Draft McDevitt for Congress and Thomas J. McDevitt, as treasurer, McDevitt for Congress and Bruna M. McDevitt, as treasurer and Little Red Hen, Inc., and Thomas J. McDevitt, as president.
- B. Response of Charles T. McDevitt
- C. Response of Daniel B. McDevitt
- D. Response of James P. McDevitt
- E. Response of First Interstate Bank of Idaho, N.A.
- F. Subpoenas (2)
- G. Proposed Factual and Legal Analyses (5)

25043620134



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: OCTOBER 2, 1991

SUBJECT: MUR 3164 - GENERAL COUNSEL'S REPORT
DATED SEPTEMBER 26, 1991.

The above-captioned document was circulated to the Commission on MONDAY, SEPTEMBER 30, 1991 at 11:00 A.M.

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

Commissioner Aikens	<u>XXX</u>
Commissioner Elliott	<u>XXX</u>
Commissioner Josefiak	<u> </u>
Commissioner McDonald	<u>XXX</u>
Commissioner McGarry	<u> </u>
Commissioner Thomas	<u>XXX</u>

This matter will be placed on the meeting agenda for TUESDAY, OCTOBER 8, 1991.

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

25043620135

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3164
McDevitt for Congress and)
Bruna M. McDevitt, as treasurer,)
et al.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 8, 1991, do hereby certify that the Commission decided by a vote of 5-0 to continue consideration of the General Counsel's September 26, 1991, report on MUR 3164 at the executive session of October 29, 1991.

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

Attest:

10-9-91
Date

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

25043620136

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3164
Sean D. McDevitt;)
McDevitt for Congress and Bruna M.)
McDevitt, as treasurer;)
Draft McDevitt for Congress and)
Thomas J. McDevitt, as treasurer;)
Thomas J. McDevitt;)
Bruna M. McDevitt;)
Charles T. McDevitt;)
Daniel B. McDevitt;)
James P. McDevitt;)
Little Red Hen, Inc. and Thomas)
J. McDevitt, as President, and)
Sean D. McDevitt, as Vice President;)
First Interstate Bank of Idaho, N.A.)

CERTIFICATION

I, Marjorie W. Emons, recording secretary for the Federal Election Commission executive session on October 29, 1991, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 3164:

1. Find reason to believe that Thomas J. McDevitt violated 2 U.S.C. § 441a(a).
2. Find reason to believe that Bruna M. McDevitt violated 2 U.S.C. § 441a(a).
3. Find reason to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f) and 2 U.S.C. § 441b(a).

(continued)

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4. Find reason to believe that Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, violated 2 U.S.C. § 441b(a).
5. Find reason to believe that Sean D. McDevitt violated 2 U.S.C. § 441b(a) with respect to the loan received from the First Interstate Bank of Idaho, N.A.
6. Find reason to believe that the First Interstate Bank of Idaho, N.A. violated 2 U.S.C. 441b(a).
7. Decline to enter into conciliation with any of the Respondents at this time.
8. Approve the appropriate letters and the Factual and Legal Analyses (5) and subpoenas (2) as recommended in the General Counsel's September 26, 1991

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

Attest:

10-31-91

Date



Marjorie W. Emmons
Secretary of the Commission

25043620138



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

November 12, 1991

Robert E. Onnen
Assistant General Counsel
First Interstate Bank of Idaho, N.A.
P. O. Box 57
Boise, Idaho 83757-0575

RE: MUR 3164
First Interstate Bank of Idaho, N.A.

Dear Mr. Onnen:

On November 13, 1990, the Federal Election Commission notified the First Interstate Bank of Idaho, N.A. (the "Bank"), 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 the Bank at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on October 29, 1991, found that there is reason to believe the Bank 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 the Bank. 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 interrogatories and request for production of documents 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 Bank 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.

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Robert E. Onnen
Assistant General Counsel
First Interstate Bank of Idaho, N.A.
Page 2

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 Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



John Warren McGarry
Chairman

Enclosures

Interrogatories and Request for Production of Documents
Factual & Legal Analysis

25043620140

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: First Interstate Bank of Idaho, N.A. MUR: 3164

I. GENERATION OF MATTER

This matter arose from a complaint alleging that the First Interstate Bank of Idaho, N.A. (the "Bank"), violated the Federal Election Campaign Act of 1971, as amended (the "Act"). According to the complainant, the Bank provided a \$30,000 loan to Sean McDevitt, a candidate in Idaho's 1990 Second Congressional District election. In response to the complaint, the Bank has acknowledged providing Sean McDevitt with the loan in question.

II. FACTUAL AND LEGAL ANALYSIS

A. Applicable law

Pursuant to 2 U.S.C. § 441b(a), national banks are prohibited from making contributions or expenditures from their general treasury funds in connection with any federal election. For purposes of Section 441b, a contribution includes "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value" made to any candidate. 2 U.S.C. § 441b(b)(2). However, with regard to loans, the Act provides that a contribution does not include "a loan of money by a national bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business." 2 U.S.C. § 441b(b)(2). Under the Commission's regulations, a loan from a bank will be deemed to have been made in the ordinary course of business if

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it bears the usual and customary interest rate of the lending institution for the category of loan involved, is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule. 11 C.F.R. § 100.7(b)(11).

B. Analysis

According to the complainant, Sean McDevitt received a \$30,000 loan from the First Interstate Bank of Idaho. The complainant alleges that since Sean McDevitt "had just returned from out of state and did not have a job," and since "[c]ommercial banks will not generally give loans of this size absent substantial collateral and/or a demonstrated ability to repay the loan through gainful employment," the bank loan may have been guaranteed by the candidate's parents or by the Little Red Hen, a corporation purportedly owned and managed by the candidate's family.

In response to the complaint, the Bank provided a copy of a loan document evidencing a \$30,000 loan made to Sean McDevitt on February 20, 1990. In addition the Bank has asserted that the loan in question was not guaranteed by the candidate's parents or by the Little Red Hen and a review of the document in question shows that it contains neither the name nor signature of any other party, except Sean McDevitt.

The complainant, however, alleged that Sean McDevitt had recently returned to the State and was unemployed, thus raising an issue as to whether the loan was made in the ordinary course of business, on a basis that would assure repayment. The

25043620142

information presently available does not resolve this issue fully. Although the loan document shows that the terms of the loan include a due date of February 15, 1991, and an interest rate of "Prime plus 2.00%," the Bank did not provide any information concerning the basis for granting the loan, such as Sean McDevitt's source of income.

Therefore, there is reason to believe the First Interstate Bank of Idaho, N.A., violated 2 U.S.C. § 441b(a).

25043620143

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
)
)

MUR 3164

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

TO: Robert E. Onnen
Assistant General Counsel
First Interstate Bank of Idaho, N.A.
P. O. Box 57
Boise, Idaho 83757-0575

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.

25043620144

Robert E. Onnen
Assistant General Counsel
First Interstate Bank of Idaho, N.A.
Page 2

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 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.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1989, to the present.

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.

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Robert E. Onnen
Assistant General Counsel
First Interstate Bank of Idaho, N.A.
Page 3

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 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.

25043620146

Robert E. Onnen
Assistant General Counsel
First Interstate Bank of Idaho, N.A.
Page 4

**INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

1. With regard to the \$30,000 loan made to Sean McDevitt by the First Interstate Bank of Idaho, N.A. (the "Bank"):

a. identify all information provided to the Bank by Sean McDevitt or any person acting on his behalf that relates to the loan, including the application for the loan, or any information that pertains to any request by the Bank for further information from Sean McDevitt that was considered by the Bank in determining whether to make the loan;

b. identify each person, including Bank officers and other individuals, who considered or approved making the loan; and

c. state whether any meetings were held in considering whether to make the loan and, if so, describe, for each such meeting, the circumstances surrounding the meeting, including, but not limited to, the purpose of the meeting, the date of the meeting, the identity of the persons present at the meeting and the result of the meeting.

2. Describe the requirements imposed by the Bank for making loans, including, but not limited to, the maximum amount that may be loaned to a borrower without requiring security, the procedures and policies for considering and approving unsecured loans and any other criteria used in considering the credit worthiness of the borrower.

3. State whether you have ever provided other loans to Sean McDevitt and, if so, describe, for each such loan, the circumstances surrounding the making of the loan, including the information the Bank considered when making the loan, the terms of the loan, the collateral or security pledged and the identification of any endorsers, guarantors or sureties to the loan. In addition, state whether any such loan remains outstanding and, if so, the outstanding balance. In the alternative, if any such loan is not outstanding, state the date the loan was satisfied.

4. Produce all documents that support your answers to the above questions. Include in your response all documents evidencing loans to Sean McDevitt.

25043620147



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 12, 1991

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

M. Jay Meyers, Esq.
McDevitt & Meyers
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164
Sean D. McDevitt
McDevitt for Congress and
Bruna M. McDevitt, as treasurer
Draft McDevitt for Congress and
Thomas J. McDevitt, as treasurer
Thomas J. McDevitt, M.D.
Bruna M. McDevitt
Charles T. McDevitt
Daniel B. McDevitt
James P. McDevitt
Little Red Hen, Inc.

Dear Mr. Meyers:

On November 13, 1990, the Federal Election Commission notified your clients, listed above, 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 each of your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you on behalf of your clients, the Commission, on October 29, 1991, found that there is reason to believe Thomas J. McDevitt and Bruna M. McDevitt each violated 2 U.S.C. § 441a(a); that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b(a); that Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, violated 2 U.S.C. § 441b(a); and that Sean D. McDevitt violated 2 U.S.C. § 441b(a) with respect to the loan received from the First Interstate Bank of Idaho, N.A. The Factual and Legal Analyses (4), which formed the bases for the Commission's findings, are attached for your information.

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M. Jay Meyers, Esq.
McDevitt & Meyers
Page 2

In addition, the Commission has considered your clients' requests for conciliation and determined, because of the need to investigate this matter, to decline at this time to enter into conciliation prior to a finding of probable cause to believe.

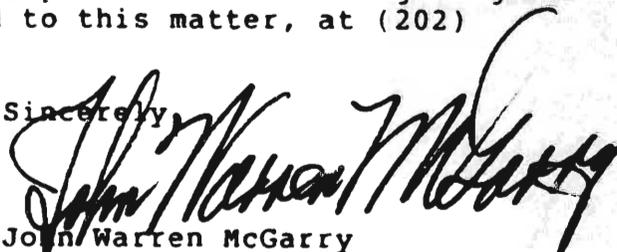
Under the Act, you have an opportunity to demonstrate that no action should be taken against your clients. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Subpoenas to Produce Documents (2) must be submitted to the General Counsel's Office within 15 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the responses to the Subpoenas.

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.

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

If you have any questions, please contact Craig Douglas Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,


John Warren McGarry
Chairman

Enclosures
Subpoenas (2)
Factual and Legal Analyses (4)

25043620149

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Thomas J. McDevitt and
Bruna M. McDevitt

MUR: 3164

25043620100

This matter arose from a complaint alleging that Thomas J. McDevitt and Bruna M. McDevitt violated the Federal Election Campaign Act of 1971, as amended (the "Act"). Thomas McDevitt and Bruna McDevitt are, respectively, the father and mother of Sean McDevitt, a candidate in Idaho's 1990 Second Congressional District election. According to the complainant, Thomas and Bruna McDevitt provided a \$30,000 loan to their son's campaign. The complainant further alleges that in addition to this loan, Mr. and Mrs. McDevitt also contributed to their son's campaign by guaranteeing a loan which Sean McDevitt obtained from the First Interstate Bank of Idaho, N.A. (the "Bank").

In a response submitted on behalf of Thomas and Bruna McDevitt, counsel states that his "clients would deny many of the broad-brush allegations" in the complaint and that these allegations should be "answered" in a disclosure report filed by Sean McDevitt's campaign committee, McDevitt for Congress (the "Committee"). According to counsel, not only was Mr. and Mrs. McDevitt's \$30,000 loan to their son's campaign refunded, but neither parent guaranteed the loan which Sean McDevitt received from the Bank.

II. FACTUAL AND LEGAL ANALYSIS

A. Applicable law

The Act limits the amount an individual can contribute to a

candidate or the candidate's authorized political committee, with respect to any election for Federal office, to an aggregate amount of \$1,000. 2 U.S.C. § 441a(a)(1)(A). The Act defines a contribution to include a loan, 2 U.S.C. § 431(8), and Commission regulations provide that a loan includes a guarantee, endorsement and any other form of security. 11 C.F.R. § 100.7(a)(1)(i). Commission regulations further explain that a loan becomes a contribution when it is made, remains such to the extent that it remains unpaid and may not exceed the contribution limits of the Act even if it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(B).

In addition, under the Commission's regulations, a contribution, which on its face exceeds the contribution limitations of the Act, may be either deposited into a campaign depository or refunded to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may seek redesignation or reattribution for the contribution, but if redesignation or reattribution is not obtained, then the contribution must be refunded within sixty (60) days from the date of receipt. Id. See 11 C.F.R. §§ 110.1(b)(5) and 110.2(b)(5)(guidelines for obtaining redesignations) and 11 C.F.R. § 110.1(k)(3)(guideline for obtaining reattribution). However, even if an excessive contribution is redesignated or refunded within the sixty-day time period set forth in the Commission's regulations, the contribution shall not be used for any disbursements by the committee until the contribution has been determined to be legal. 11 C.F.R. § 103.3(b)(4).

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B. Analysis

1. Loan from Thomas and Bruna McDevitt

According to the complainant, Thomas and Bruna McDevitt made a \$30,000 loan to Sean McDevitt's campaign on October 11, 1990. The complainant further alleges that the loan was subsequently acknowledged as an illegal contribution by the candidate's father in a letter written to the Commission on October 22, 1990:

On October 11, 1990, I lent my son, Sean McDevitt, \$30,000. Since then, I have been told that this loan may be against the rules.

If so, I apologize. The money is being repaid.

See Complaint at 2-3.

A review of the 1990 12 Day Pre-General Election Report confirms that the Committee received a \$30,000 loan from the candidate's parents on October 11, 1990. Commission materials also include a letter, dated October 22, 1990, apparently written by Thomas McDevitt, acknowledging that the loan was made and stating that it "may be against the rules." With regard to the assertion that this loan was refunded, the 30 Day Post-General Election Report shows that on November 23, 1990, the Committee made a disbursement of \$30,000 to Thomas McDevitt and received contributions from the candidate's parents totaling \$4,000. The contribution designations for the \$4,000 show that each parent contributed \$1,000 to the primary and general elections. Although it appears that the Committee refunded the \$30,000 loan, and in its place received contributions from

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the candidate's parents which would otherwise comply with the limitations of the Act, this corrective action fails, as the Commission's regulations provide that loans in excess the contribution limitations of the Act are unlawful, whether or not they are repaid. 11 C.F.R. § 100.7(a)(1)(i)(A). In addition, a review of disclosure materials shows that prior to the date of the purported refunding, the Committee used funds from the loan to make disbursements and the Commission's regulations prohibit the use of a contribution which is excessive on its face, even if the contribution is refunded within the sixty-day time period set forth in the Commission's regulations. 11 C.F.R. § 103.3(b)(4).

2. Bank loan guaranteed by Thomas and Bruna McDevitt

The complainant also challenges the legality of a separate \$30,000 loan which Sean McDevitt received from the First Interstate Bank of Idaho. According to the complainant, since Sean McDevitt "had just returned from out of state and did not have a job," and since "[c]ommercial banks will not generally give loans of this size absent substantial collateral and/or a demonstrated ability to repay the loan through gainful employment," the bank loan may have been guaranteed by the candidate's parents.

Sean McDevitt has acknowledged obtaining a \$30,000 loan from the First Interstate Bank and a review of disclosure reports filed by the Committee shows the receipt of this bank loan on February 28, 1990. In addition, the Bank provided a copy of a loan document evidencing a \$30,000 loan made to

Sean McDevitt. A review of this document shows neither the name nor signature of any other party except Sean McDevitt, thus confirming that the bank loan was apparently not guaranteed by Thomas and Bruna McDevitt.

C. Conclusion

Although it does not appear that Thomas and Bruna McDevitt guaranteed the bank loan that Sean McDevitt received from the Bank, the available evidence nonetheless shows that they provided a \$30,000 loan directly to their son's campaign.

Therefore, there is reason to believe that Thomas J. McDevitt and Bruna M. McDevitt each violated 2 U.S.C. § 441a(A)(1)(A).

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: McDevitt for Congress and
Bruna M. McDevitt, as treasurer

MUR: 3164

I. GENERATION OF MATTER

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This matter arose from a complaint alleging that McDevitt for Congress and Bruna M. McDevitt, as treasurer (collectively known as the "Committee"), violated the Federal Election Campaign Act of 1971, as amended (the "Act"). McDevitt for Congress is the principal campaign committee for Sean McDevitt, a candidate in Idaho's 1990 Second Congressional District election. According to the complainant, the Committee accepted a \$30,000 loan from the candidate's parents as well as various in-kind contributions from the Little Red Hen, Inc. (the "Corporation"), a corporation purportedly owned and managed by the candidate's family. In addition, the complainant also challenges the legality of a loan which Sean McDevitt received on behalf of the Committee from the First Interstate Bank of Idaho, N.A. (the "Bank").

In a response submitted on behalf of the Committee, counsel states that his "clients would deny many of the broad-brush allegations" in the complaint and that these allegations should be "answered" in a disclosure report filed with the Commission. According to counsel, the \$30,000 loan from the candidate's parents was repaid and "[r]ent and mileage were [also] paid" to the Corporation.

II. FACTUAL AND LEGAL ANALYSIS

A. Applicable law

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The Act limits the amount an individual can contribute to a candidate's authorized political committee, with respect to any election for Federal office, to an aggregate amount of \$1,000. 2 U.S.C. § 441a(a)(1)(A). In addition, the Act prohibits such committees from knowingly accepting any contributions in excess of the Act's limitations. 2 U.S.C. § 441a(f). The Act defines a contribution to include a loan, 2 U.S.C. § 431(8), and the Commission's regulations explain that a loan includes a guarantee, endorsement and other form of security. 11 C.F.R. § 100.7(a)(1)(i). In addition, Commission regulations provide that a loan becomes a contribution when it is made, remains such to the extent that it remains unpaid and may not exceed the contribution limits of the Act even if it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(B).

Under the Commission's regulations, a committee's treasurer is responsible for determining that all contributions to the committee comply with the limitations of the Act. 11 C.F.R. § 103.3(b). Contributions, which on their face exceed the contribution limitations of the Act and contributions which do not appear to be excessive on their face, but which exceed the contribution limits when aggregated with other contributions from the same contributor, may be either deposited into a campaign depository or refunded to the contributor. 11 C.F.R. § 103.3(b)(3). If deposited, the treasurer may seek redesignation or reattribution for the contribution, but if

redesignation or reattribution is not obtained, then the contribution must be refunded within sixty (60) days from the date of receipt. Id. See 11 C.F.R. §§ 110.1(b)(5) and 110.2(b)(5)(guidelines for obtaining redesignations) and 11 C.F.R. § 110.1(k)(3)(guideline for obtaining reattribution). In addition to a sixty-day time period for refunding excessive contributions, the Commission's regulations further provide that any contribution which appears to be excessive on its face, and which is deposited into a campaign depository shall not be used for any disbursements by the committee until the contribution has been determined to be legal. 11 C.F.R. § 103.3(b)(4).

Pursuant to 2 U.S.C. § 441b(a), corporations and national banks are prohibited from making contributions or expenditures from their general treasury funds in connection with any federal election while a candidate's authorized campaign committee is prohibited from knowingly accepting or receiving such contributions. For purposes of Section 441b, a contribution includes "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value" made to any candidate. 2 U.S.C. § 441b(b)(2). Commission regulations further explain that "anything of value" includes all in-kind contributions, including the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services. 11 C.F.R. § 100.7(a)(1)(iii)(A). The term "usual and normal charge" is defined to mean in the case of goods, the price of those goods in the market from which they ordinarily

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would have been purchased at the time of the contribution.
11 C.F.R. § 100.7(a)(1)(iii)(B).

With regard to loans, the Act provides that a contribution does not include "a loan of money by a national bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business." 2 U.S.C. § 441b(b)(2). Under the Commission's regulations, a loan from a bank will be deemed to have been made in the ordinary course of business if it bears the usual and customary interest rate of the lending institution for the category of loan involved, is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule. 11 C.F.R. § 100.7(b)(11).

Finally, under the Act, any candidate who receives a contribution, or any loan for use in connection with his or her campaign, shall be considered as having received the contribution or loan as an agent of his or her authorized committee. 2 U.S.C. § 432(e)(2).

B. Analysis

1. Section 441a Violations

According to the complainant, Sean McDevitt's parents, Thomas and Bruna McDevitt, made a \$30,000 loan to the Committee on October 11, 1990. The complainant alleges that the loan was subsequently acknowledged as an illegal contribution by the candidate's father in a letter written to the Commission on

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October 22, 1990:

On October 11, 1990, I lent my son, Sean McDevitt, \$30,000. Since then, I have been told that this loan may be against the rules.

If so, I apologize. The money is being repaid.

See Complaint at 2-3. The complainant further states that Sean McDevitt also acknowledged the existence of the loan during a radio announcement, in which he purportedly stated that it was being repaid.¹

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A review of the 1990 12 Day Pre-General Election Report confirms that the Committee received a \$30,000 loan from the candidate's parents on October 11, 1990. Commission materials also include a letter, dated October 22, 1990, apparently written by Thomas McDevitt, acknowledging that the loan was made and stating that it "may be against the rules." With regard to the assertion that this loan was refunded, the 30 Day Post-General Election Report shows that on November 23, 1990, the Committee made a disbursement of \$30,000 to Thomas McDevitt and received contributions from the candidate's parents totaling \$4,000. The contribution designations for the \$4,000 show that each parent contributed \$1,000 to the primary and general elections. In this regard, it appears that the Committee refunded the \$30,000 loan and, in its place, received

1. The complainant contends that once the Respondents discovered the loan to be excessive, the Committee should have used the next funds it received to repay the loan. Contrary to this assertion, Section 103.3(b)(2) requires a committee to use the next available funds to refund prohibited contributions, not excessive contributions. Compare 11 C.F.R. § 103.3(b)(2) (refunding of prohibited contributions) with 11 C.F.R. § 103.3(b)(3) (refunding of excessive contributions).

contributions from the candidate's parents which appear to be within the limitations of the Act. However, the Committee's apparent corrective action fails. Specifically, a review of disclosure materials shows that prior to the date of the purported refunding, funds from the loan were used to make disbursements and the Commission's regulations prohibit the use of a contribution which is excessive on its face, even if the contribution is refunded within the sixty-day time period set forth in the Commission's regulations. 11 C.F.R. § 103.3(b)(4).

Therefore there is reason to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f).

2. Section 441b Violations

a. Corporate contributions

In addition to the excessive contributions from the candidate's parents, the complainant alleges that Sean McDevitt's campaign was subsidized with in-kind contributions from the Little Red Hen. The complainant surmises that since disclosure reports filed by the Committee show no disbursements "for rent, fax machines, photocopying machines, computers or furniture," Sean McDevitt "apparently avoided paying for these necessities of running a campaign by appropriating the facilities of Little Red Hen, Inc." In support of his allegation, the complainant specifically states that the Committee's headquarters were located in a building owned by the Corporation. The complainant notes by way of comparison that one of the Corporation's tenants pays \$400 per

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month for approximately the same size office space as that used by the Committee, and since the McDevitt campaign used the office for 10 months, a total of \$4,000 in rent should have been paid. In addition to the use of office space, the complainant also alleges that the candidate used a "pickup truck" owned by the Corporation free of charge for his campaign activities.²

Respondents acknowledge receiving some use of the Corporation's facilities and argue that disclosure reports filed with the Commission show that "rent and mileage" were paid. A review of disclosure materials shows that the Committee apparently made disbursements to the Corporation for "rent," on November 1 and 11, 1990, in the amounts of \$2,900.00 and \$2,210.41, respectively.

However, the information presently available does not provide an adequate basis for determining the extent of corporate involvement with Sean McDevitt's campaign and whether that involvement resulted in a violation of the Act. First, although Respondents assert that the Committee paid the Corporation for "rent and mileage," a review of itemized information in the 30 Day Post-General Election Report shows that the Committee's disbursements were apparently made for "rent," not "rent and mileage." Second, it appears that the Committee's purported rent payments were made solely in response

2. The complainant mistakenly asserts that the receipt of in-kind corporate contributions is in violation of the Act's contribution limits. Contrary to this assertion, the Act does not limit corporate contributions to \$1,000 per election, but rather prohibits contributions from a corporation's general treasury funds altogether. See 2 U.S.C. § 441b(a).

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to the complaint, some ten months after the Committee filed a statement of organization. Moreover, aside from the complainant's assertion that the Corporation charges \$400 per month for an office alleged to be similar to that occupied by the Committee, there is no indication that the amount of rent purportedly paid would constitute a usual and normal charge. Finally, given the conclusory nature of the responses and the type of support concededly provided by the family-run corporation, further inquiry is warranted to determine whether the Corporation may have provided the campaign with other in-kind contributions.

b. Bank loan

The complainant further challenges the legality of a \$30,000 loan which Sean McDevitt received from the First Interstate Bank of Idaho. According to the complainant, since Sean McDevitt "had just returned from out of state and did not have a job," and since "[c]ommercial banks will not generally give loans of this size absent substantial collateral and/or a demonstrated ability to repay the loan through gainful employment," the bank loan may have been guaranteed by the candidate's parents or by the Corporation.

Respondents acknowledge that Sean McDevitt obtained a \$30,000 loan from the First Interstate Bank and a review of disclosure reports filed by the Committee shows the receipt of this bank loan on February 28, 1990. Additionally, the Bank provided a copy of a loan document evidencing a \$30,000 loan made to Sean McDevitt. A review of this document shows neither

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the name nor signature of any other party except Sean McDevitt, thus confirming that the bank loan was apparently not guaranteed by the candidate's parents or the Corporation.

However, the complainant alleged that Sean McDevitt had recently returned to the State and was unemployed, thus raising an issue as to whether the loan was made in the ordinary course of business, on a basis that would assure repayment. The information presently available does not resolve this issue fully. Although the loan document shows that the terms of the loan include a due date of February 15, 1991, and an interest rate of "Prime plus 2.00%," the Bank did not provide any information concerning the basis for granting the loan, such as Sean McDevitt's source of income. Although the bank loan was apparently obtained by Sean McDevitt, the Act provided that any candidate who receives a loan for use in connection with his or her campaign, shall be considered as having received the contribution or loan as an agent of his or her authorized committee. See 2 U.S.C. § 432(e)(2). Thus, it appears that the Committee received a bank loan which was not made in the ordinary course of business.

Therefore, there is reason to believe McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. § 441b(a).

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Little Red Hen, Inc., and
Thomas J. McDevitt, as President,
Sean D. McDevitt, Vice President

MUR: 3164

I. GENERATION OF MATTER

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This matter arose from a complaint alleging that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President (collectively known as the "Corporation"), violated the Federal Election Campaign Act of 1971, as amended (the "Act"). According to the complainant, the Corporation provided various in-kind contributions, such as office space, to McDevitt for Congress (the "Committee"), the authorized campaign committee for Sean McDevitt, a candidate in Idaho's 1990 Second Congressional District election. In addition, the complainant alleges that the Corporation further contributed to Sean McDevitt's campaign by guaranteeing a loan which the candidate received from the First Interstate Bank of Idaho, N.A. (the "Bank").

In a response received on behalf of the Corporation, counsel states that his "clients would deny many of the broad-brush allegations" in the complaint and that these allegations should be "answered" in a disclosure report filed by the Committee.

II. FACTUAL AND LEGAL ANALYSIS

A. Applicable law

Pursuant to 2 U.S.C. § 441b(a), corporations are prohibited from making contributions or expenditures from their general

treasury funds in connection with any federal election. Section 441b(a) further prohibits any officer or director of any corporation from consenting to such contributions or expenditures.

For purposes of Section 441b, a contribution includes "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value" made to any candidate. 2 U.S.C. § 441b(b)(2). Commission regulations explain that a loan includes a guarantee, endorsement, and any other form of security. 11 C.F.R. § 100.7(a)(1)(i). In addition, Commission regulations define "anything of value" as all in-kind contributions, including the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services. 11 C.F.R. § 100.7(a)(1)(iii)(A). The term "usual and normal charge" is defined to mean in the case of goods, the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. 11 C.F.R. § 100.7(a)(1)(iii)(B).

B. Analysis

1. In-kind contributions

According to the complainant, the Committee was subsidized with various in-kind contributions from the Little Red Hen, an Idaho corporation, with Thomas McDevitt as President and Sean McDevitt, as Vice President. The complainant surmises that since disclosure reports filed by the Committee show no disbursements "for rent, fax machines, photocopying machines,

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computers or furniture," Sean McDevitt "apparently avoided paying for these necessities of running a campaign by appropriating the facilities of Little Red Hen, Inc." In support of his allegation, the complainant specifically states that the Committee's campaign headquarters were located in a building owned by the Corporation. The complainant notes by way of comparison that one of the Corporation's tenants pays \$400 per month for approximately the same size office space as that used by the Committee, and since the McDevitt campaign used the office for 10 months, a total of \$4,000 in rent should have been paid. In addition to the use of office space, the complainant also alleges that the candidate used a "pickup truck" owned by the Corporation free of charge for his campaign activities.¹

Respondents acknowledge that the Committee received some use of the Corporation's facilities and argue that disclosure reports filed by the Committee show that "rent and mileage" were paid. A review of disclosure materials shows that the Committee apparently made disbursements to the Corporation for "rent," on November 1 and 11, 1990, in the amounts of \$2,900.00 and \$2,210.41, respectively.

Although it appears that Thomas and Sean McDevitt, respectively, the Corporation's President and Vice President, shared responsibility for providing the in-kind contributions to

1. The complainant mistakenly asserts that the receipt of in-kind corporate contributions is in violation of the Act's contribution limits. Contrary to this assertion, the Act does not limit corporate contributions to \$1,000 per election, but rather prohibits contributions from a corporation's general treasury funds altogether. See 2 U.S.C. § 441b(a).

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the Committee, the information presently available does not provide an adequate basis for determining the extent of corporate involvement with Sean McDevitt's campaign and whether that involvement resulted in a violation of the Act. First, although Respondents assert that the Committee paid the Corporation for "rent and mileage," a review of itemized information in the 30 Day Post-General Election Report shows that these disbursements were apparently made for "rent," not "rent and mileage." Second, it appears that the purported rent payments were made solely in response to the complaint, some ten months after the Committee filed a statement of organization. Moreover, aside from the complainant's assertion that the Corporation charges \$400 per month for an office alleged to be similar to that occupied by the Committee, there is no indication that the amount of rent purportedly paid would constitute a usual and normal charge. Finally, given the conclusory nature of the responses and the type of support concededly provided by the Little Red Hen, further inquiry is warranted to determine whether the Corporation may have provided the Committee with other in-kind contributions.

2. Bank loan

The complainant further challenges the legality of a \$30,000 loan which Sean McDevitt received from the First Interstate Bank of Idaho. According to the complainant, since Sean McDevitt "had just returned from out of state and did not have a job," and since "[c]ommercial banks will not generally give loans of this size absent substantial collateral

and/or a demonstrated ability to repay the loan through gainful employment," the bank loan may have been guaranteed by the Little Red Hen, in violation of the Act's prohibition against corporate contributions.

Respondents acknowledge that Sean McDevitt obtained a \$30,000 loan from the First Interstate Bank of Idaho, and a review of disclosure reports filed by the Committee shows the receipt of this bank loan on February 28, 1990. In addition, the Bank provided a copy of a loan document evidencing a \$30,000 loan made to Sean McDevitt. A review of this document shows neither the name nor signature of any other party except Sean McDevitt, thus confirming that the bank loan in question was apparently not guaranteed by the Little Red Hen.

C. Conclusion

Although it does not appear that the Corporation guaranteed the loan that Sean McDevitt received from the Bank, the available evidence nonetheless shows that the Sean McDevitt's campaign was provided with various in-kind contributions from the Little Red Hen, Inc. In addition, as the the President and Vice President of the Little Red Hen, respectively, Thomas and Sean McDevitt, at the least, shared responsibility for the Committee's use of the Corporation's facilities.

Therefore, there is reason to believe the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, violated 2 U.S.C. § 441b(a).

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Sean D. McDevitt

MUR: 3164

I. GENERATION OF MATTER

This matter arose from a complaint alleging that Sean McDevitt, a candidate in Idaho's 1990 Second Congressional District election, violated the Federal Election Campaign Act of 1971, as amended (the "Act").

II. FACTUAL AND LEGAL ANALYSIS

A. Applicable law

The Act limits the amount an individual can contribute to a candidate or the candidate's authorized political committee, with respect to any election for Federal office, to an aggregate amount of \$1,000. 2 U.S.C. § 441a(a)(1)(A). In addition, the Act prohibits candidates from knowingly accepting any contributions in excess of the Act's limitations. 2 U.S.C. § 441a(f). The Act defines a contribution to include a loan, 2 U.S.C. § 431(8), and the Commission's regulations provide that a loan includes a guarantee, endorsement, and any other form of security. 11 C.F.R. § 100.7(a).

Pursuant to 2 U.S.C. § 441b(a), corporations and national banks are prohibited from making contributions or expenditures from their general treasury funds in connection with any federal election while candidates are prohibited from knowingly accepting or receiving such contributions. For purposes of Section 441b, a contribution includes "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money,

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or any services, or anything of value" made to any candidate. 2 U.S.C. § 441b(b)(2). Commission regulations further explain that "anything of value" includes all in-kind contributions, including the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services. 11 C.F.R. § 100.7(a)(1)(iii)(A). The term "usual and normal charge" is defined to mean in the case of goods, the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. 11 C.F.R. § 100.7(a)(1)(iii)(B).

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With regard to loans, the Act provides that a contribution does not include "a loan of money by a national bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business." 2 U.S.C. § 441b(b)(2). Under the Commission's regulations, a loan from a bank will be deemed to have been made in the ordinary course of business if it bears the usual and customary interest rate of the lending institution for the category of loan involved, is made on a basis which assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule. 11 C.F.R. § 100.7(b)(11).

B. Analysis

The complainant challenges the legality of a \$30,000 loan which Sean McDevitt received on behalf of his campaign committee, McDevitt for Congress (the "Committee"), from the First Interstate Bank of Idaho, N.A. (the "Bank"). According to the complainant, since Sean McDevitt "had just returned from out

of state and did not have a job," and since "[c]ommercial banks will not generally give loans of this size absent substantial collateral and/or a demonstrated ability to repay the loan through gainful employment," the bank loan may have been guaranteed by the candidate's parents, in violation of the Act's contribution limitations, or by the Corporation, in violation of the Act's prohibition against corporate contributions.

In a response submitted on behalf of Sean McDevitt, counsel states that his client "would deny many of the broad-brush allegations" in the complaint, but apparently acknowledges that Sean McDevitt obtained a \$30,000 loan from the First Interstate Bank by asserting that the loan in question was not guaranteed by the candidate's parents. A review of disclosure reports filed by the Committee shows that Sean McDevitt received the loan in question, on behalf of the committee, on February 28, 1990. Additionally, the Bank provided a copy of a loan document evidencing a \$30,000 loan made to Sean McDevitt and a review of this document shows neither the name nor signature of any other party except Sean McDevitt, thus confirming that the bank loan was apparently not guaranteed by the candidate's parents or by the Corporation.

However, the complainant alleged that Sean McDevitt had recently returned to the State and was unemployed, thus raising an issue as to whether the loan was made in the ordinary course of business, on a basis that would assure repayment. The information presently available does not resolve this issue fully. Although the loan document shows that the terms of the

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loan include a due date of February 15, 1991, and an interest rate of "Prime plus 2.00%," the Bank did not provide any information concerning the basis for granting the loan, such as Sean McDevitt's source of income. Thus, it appears that Sean D. McDevitt received, on behalf of his campaign committee, a bank loan which was not made in the ordinary course of business.

Therefore, there is reason to believe that Sean D. McDevitt violated 2 U.S.C. § 441b(a).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 3164

SUBPOENA

TO: Thomas J. McDevitt
President, Little Red Hen, Inc.
Treasurer, Draft McDevitt for Congress Committee
c/o M. Jay Meyers, Esq.
McDevitt & Meyers
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 3164. Notice is hereby given that the deposition is to be taken on December 4, 1991, in Room B-23 at the Federal Building, 250 South 4th Avenue, Pocatello, Idaho 83201, beginning at 9:00 a.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 15 days of your receipt of this subpoena.

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MUR 3164
Thomas J. McDevitt
President, Little Red Hen, Inc.
Treasurer, Draft McDevitt for Congress Committee
Page 2

WHEREFORE, the Chairman of the Federal Election Commission
has hereunto set his hand in Washington, D.C., on this *12th* day
of *November*, 1991.


John Warren McGarry, Chairman
Federal Election Commission

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

Attachment
Document Request with Instructions and Definitions

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MUR 3164
Thomas J. McDevitt
President, Little Red Hen, Inc.
Treasurer, Draft McDevitt for Congress Committee
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ATTACHMENT TO SUBPOENA

INSTRUCTIONS

In answering this 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.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by the following request 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.

Unless otherwise indicated, the document request shall refer to the time period from January 1, 1989 to the present.

The following request for production of documents is 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 this request for production of documents, 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.

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MUR 3164

Thomas J. McDevitt

President, Little Red Hen, Inc.

Treasurer, Draft McDevitt for Congress Committee

Page 4

"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 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 this request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

25043620176

MUR 3164

Thomas J. McDevitt

President, Little Red Hen, Inc.

Treasurer, Draft McDevitt for Congress Committee

Page 5

DOCUMENT REQUEST

1. Produce all documents pertaining to the establishment, administration and termination of the Draft McDevitt for Congress Committee, including correspondence between you, any other persons associated with the Draft McDevitt for Congress Committee, and Sean D. McDevitt and any persons associated with his campaign committee, McDevitt for Congress.
2. Produce all invoices, canceled checks and any other documents pertaining to any goods or services, including, but not limited to, office space, office equipment, motor vehicles and any other forms of transportation, provided by you or the Little Red Hen, Inc., to Sean D. McDevitt or to any person associated with his campaign committee, McDevitt for Congress, in connection with his 1990 campaign for U.S. Congress.
3. Produce all documents evidencing income, earnings, or compensation paid by you or the Little Red Hen, Inc., to Sean D. McDevitt.
4. Produce all documents relating to any loans that you made to Sean D. McDevitt's campaign.
5. Produce all other documents relating to your financial support of Sean D. McDevitt's 1990 campaign for U.S. Congress.

2504362017

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
)

MUR 3164

SUBPOENA

TO: Sean D. McDevitt
c/o M. Jay Meyers, Esq.
McDevitt & Meyers
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 3164. Notice is hereby given that the deposition is to be taken on December 5, 1991, in Room B-23 at the Federal Building, 250 South 4th Avenue, Pocatello, Idaho 83201, beginning at 9:00 a.m. and continuing each day thereafter as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), you are hereby subpoenaed to produce the documents listed on the attachment to this subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 15 days of your receipt of this subpoena.

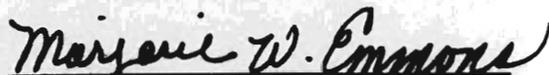
250436201/8

MUR 3164
Sean D. McDevitt
Page 2

WHEREFORE, the Chairman of the Federal Election Commission
has hereunto set his hand in Washington, D.C., on this *12th* day
of *November*, 1991.


John Warren McGarry, Chairman
Federal Election Commission

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

Attachment
Document Request with Instructions and Definitions

25043620179

ATTACHMENT TO SUBPOENA

INSTRUCTIONS

In answering this 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.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by the following request 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.

Unless otherwise indicated, the document request shall refer to the time period from January 1, 1989 to the present.

The following request for production of documents is 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 this request for production of documents, 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.

25043620180

"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 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 this request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

25043620131

DOCUMENT REQUEST

1. Produce all documents pertaining to your decision to seek election for Federal office, including any correspondence between you, the Draft McDevitt for Congress Committee, and any persons associated with the Draft McDevitt for Congress Committee.
2. Produce all invoices, canceled checks and any other documents pertaining to any goods or services, including, but not limited to, office space, office equipment, motor vehicles and any other forms of transportation, provided to you by the Little Red Hen, Inc., in connection with your 1990 campaign for U.S. Congress.
3. Produce all documents evidencing your receipt of income, earnings and/or compensation from the Little Red Hen, Inc.
4. Produce all documents pertaining to any bank loans obtained in connection with your 1990 campaign for U.S. Congress including, but not limited to, the loan application and all documentation evidencing the purpose, use and repayment of each loan.

25043620132

66-3462

McDEVITT, MEYERS & THOMSEN
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE
(208) 233 4121
FAX NO. (208) 233 4174

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
91 NOV 19 AM 10:47

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J McDEVITT
1928 1988

November 15, 1991

Craig Reffner
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3164
Sean D. McDevitt
McDevitt for Congress and Bruna M. McDevitt as Treasurer
McDevitt for Congress and Thomas J. McDevitt as Treasurer
Bruna M. McDevitt
Thomas J. McDevitt, President Little Red Hen, Inc.
James P. McDevitt
Charles T. McDevitt
Daniel B. McDevitt

Dear Mr. Reffner:

This letter is a follow through to our telephone conversation last week. At that time, you advised that a "reason to believe" had been found. You promised to provide a copy of the report which you said was awaiting the signing of the transmittal letter.

I have not yet received that report.

Further, I have advised you that I am involved with the case of Shepherd v. Harten which is a jury trial to begin December 3, 1991, and will continue for three to four days.

I would insist upon an immediate copy of that report.

Inasmuch as Sean McDevitt now resides in Washington State, I would expect that any such depositions be taken there. I will advise him to obtain Washington counsel when I have reviewed a copy of the report.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 NOV 19 PM 3:21

25043620103

Craig Reffner
November 15, 1991
Page -2-

Before you go to the expense of both you and your boss flying out here for depositions, I would like the opportunity to discuss substantive conciliation proceedings with you.

Would you please advise.

Thank you.

Sincerely,


M. Jay Meyers

MJM/hv

25043620184



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 22, 1991

M. Jay Meyers, Esq.
McDevitt, Meyers & Thomsen
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164
Sean D. McDevitt
McDevitt for Congress and
Bruna M. McDevitt, as treasurer
Draft McDevitt for Congress and
Thomas J. McDevitt, as treasurer
Thomas J. McDevitt, M.D.
Bruna M. McDevitt
Charles T. McDevitt
Daniel B. McDevitt
James P. McDevitt
Little Red Hen, Inc.

Dear Mr. Meyers:

On November 6, 1991, Craig Reffner of this Office called to inform you that the Federal Election Commission had found reason to believe that your clients violated various provisions of the Federal Election Campaign Act of 1971, as amended. In addition, you were also informed that the Commission had issued subpoenas for your clients, Thomas and Sean McDevitt, to appear for depositions on December 4 and 5, 1991.

Since that time, Mr. Reffner has attempted to contact you on numerous occasions in an effort to accommodate your scheduling needs. However, you have failed to return any of Mr. Reffner's telephone calls or facsimile transmittals. Mr. Reffner was only able to speak with your secretary, to whom you apparently delegated the handling of this matter, but she was unable to provide the information necessary to reschedule the depositions. Similarly, you have failed to provide the necessary information in your correspondence of November 15 and 20, 1991.

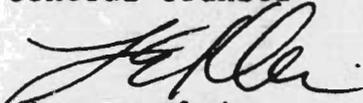
25043620135

M. Jay Meyers, Esq.
Page 2

I remind you that the subpoenas in this matter, which have been issued by a Federal agency, remain outstanding. Moreover, you were notified of their issuance on November 6, 1991, nearly one month before the scheduled date of the depositions. Thus, absent a mutually agreeable alternative date for these depositions, which will require greater cooperation from you, we will have no choice other than to go forward with the depositions as scheduled in the subpoenas.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lisa E. Klein
Assistant General Counsel

25043620186



1990



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 26, 1991

Paul Buchanan
Buchanan Reporting Services
P. O. Box 4173
Pocatello, Idaho 83205

RE: MUR 3164

Dear Mr. Buchanan:

Pursuant to our conversation on November 26, 1991, it is my understanding that a reporter from Buchanan Reporting Services will be present for depositions that I will be conducting on December 4 and 5, 1991. Unless notified otherwise, the depositions will commence at 9:00 a.m. in Room B23 of the Federal Building, 250 South Fourth Street, Pocatello, Idaho.

Should you have any questions, please feel free to contact me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig D. Reffner".

Craig D. Reffner
Staff Attorney

25043620187

06C 3548

McDEVITT, MEYERS & THOMSEN
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE
(208) 233-4121
FAX NO: (208) 233-4174

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 NOV 27 AM 9:39

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J McDEVITT
1928 1988

November 20, 1991

Craig Reffner
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3164
Sean D. McDevitt
McDevitt for Congress and Bruna M. McDevitt as Treasurer
McDevitt for Congress and Thomas J. McDevitt as Treasurer
Bruna M. McDevitt
Thomas J. McDevitt, President Little Red Hen, Inc.
James P. McDevitt
Charles T. McDevitt
Daniel B. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 NOV 27 PM 2:59

Dear Mr. Reffner:

I am in receipt of your recent telephone messages regarding the above matter. Please be advised that I have been out of the office and in Wyoming parts of every week this month and will so be again this week and next. I will be back in the office on November 26, 1991.

We are not trying to be adversarial. We have asked for conciliation. My clients are very naive in matters of this nature.

In any event, please feel free to contact me next week.

Sincerely,

M. Jay Meyers

MJM/hv

25043620188

06C 3585

McDEVITT, MEYERS & THOMSEN

ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE
(208) 233 4121
FAX NO (208) 233 4174

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 DEC -2 PM 12:03

M JAY MEYERS
FERRY R MEYERS
STEVEN A THOMSEN

HERMAN J McDEVITT
1928 1988

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 DEC -2 PM 3:40

November 27, 1991

Lisa E. Klein
Assistant General Counsel
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3164
Sean D. McDevitt
McDevitt for Congress and Bruna M. McDevitt as Treasurer
McDevitt for Congress and Thomas J. McDevitt as Treasurer
Bruna M. McDevitt
Thomas J. McDevitt, President Little Red Hen, Inc.
James P. McDevitt
Charles T. McDevitt
Daniel B. McDevitt

Dear Ms. Klein:

I want to acknowledge personal receipt of your fax of November 22, 1991, on November 26, 1991. I would apologize to Mr. Reffner if he mistakenly believes I have intentionally slighted him. That has neither been the intent nor my course of conduct.

When Mr. Reffner first verbally advised me of the deposition arbitrarily set for December 4 and December 5, 1991, I told him I was previously scheduled for jury trial set for December 3, 4, and 5 and offered to make my clients available on December 17, 19, or 20. At that time, Mr. Reffner was not necessarily agreeable to the change but said we would work the matter out.

Mr. Reffner has also been informed of Sean McDevitt's move to Bothell, Washington. I can provide Mr. McDevitt in Pocatello on December 19, 1991.

Since our conversation, I have been in my office approximately one day per week and have been in Wyoming on other business. I have also been involved with other secondary trials.

25043620189

Lisa E. Klein
November 27, 1991
Page -2-

It is impossible to accumulate the necessary information which Mr. Reffner desires by December 4, 1991. For instance, I have been in contact with both the local First Interstate Bank management as well as their Boise office in an attempt to obtain the loan file which would document our position.

Again, all dealings with secretarial staff in my office were meant to accommodate Mr. Reffner and not hinder his investigation.

Finally, please find my letters to Mr. Reffner trying to obtain a copy of the report and trying to work out a mutually agreeable date.

I have tried to call both you and Mr. Reffner on this date but were informed you are out until Monday.

Again an extension of time is requested to respond until December 19, 1991.

Sincerely,


M. Jay Meyers

MJM/hv
cc Sean McDevitt
Tom McDevitt

25043620190



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 4, 1991

Paul Buchanan
Buchanan Reporting Services
P. O. Box 4173
Pocatello, Idaho 83205

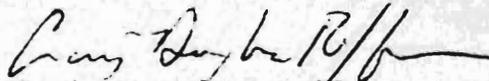
RE: MUR 3164

Dear Mr. Buchanan:

This will confirm my telephone conversation on December 2, 1991, with Jean Buchanan of your Office. As I explained to Ms. Buchanan, the depositions in the above referenced matter have been rescheduled to December 19 and 20, 1991. It is my understanding that a reporter from Buchanan Reporting Services will be present for these depositions. Although the dates of the depositions have changed, the times and location have not; unless notified otherwise, each deposition will commence at 9:00 a.m. in Room B-23 of the Federal Building, 250 South Fourth Street, Pocatello, Idaho.

Should you have any questions, please feel free to contact me at (202) 219-3690.

Sincerely,


Craig Douglas Reffner
Staff Attorney

25043620191



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1991

M. Jay Meyers, Esq.
McDevitt, Meyers & Thomsen
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164

Dear Mr. Meyers:

This is in response to your letter dated November 27, 1991, which we received on November 29, 1991, requesting an extension of time to produce the documents requested in the Commission's subpoenas and to also reschedule the depositions of your clients, Thomas and Sean McDevitt.

Pursuant to our telephone conversation on December 2, 1991, it was agreed that all of the documents requested in the Commission's subpoenas would be produced by the close of business, on Friday, December 13, 1991. In addition, the depositions of Thomas and Sean McDevitt, which had initially been scheduled for December 4 and 5, 1991, have now been rescheduled for December 19 and 20, 1991, respectively. Although the dates of the depositions have changed, the times and location have not; unless notified otherwise, each deposition will commence at 9:00 a.m. in Room B-23 of the Federal Building, 250 South Fourth Street, Pocatello, Idaho.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Craig Douglas Reffner
Staff Attorney

95043620192



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 4, 1991

Michael Bosh
GSA-PBS
Federal Building
250 South 4th Avenue
Room B-53
Pocatello, ID 83201

RE: Room B-23

Dear Mr. Bosh:

This will confirm our telephone conversation of December 2, 1991, concerning the Federal Election Commission's use of Room B-23 in the Federal Building, 250 South 4th Avenue, Pocatello, Idaho 83201. Initially, Room B-23 had been scheduled for this Office's use on December 4 and 5, 1991. Pursuant to our telephone conversation on December 2, 1991, Room B-23 was rescheduled for this Office's use on December 19 and 20, 1991.

Thank you for your cooperation and should you have any questions, please contact me at (202) 219-3690. My FTS number is 299-3690.

Sincerely,

Craig Douglas Reffner
Staff Attorney
Office of the General Counsel

25043620173



First Interstate Bank
of Idaho, N.A.
Legal and Consumer Compliance
P.O. Box 57
Boise, ID 83757-0575
208 389-4231

06C3680

RECEIVED
FEDERAL ELECTION COMMISSION

91 DEC -9 AM 11:19

December 3, 1991

Mr. Craig Reffner, Esq.
Federal Election Commission
999 E. Street, N.W.
Washington D.C. 20463

RE: MUR 3164

Dear Mr. Reffner

In response to your letter dated 11-12-91 (which was received on November 19, 1991). We are providing the following documents for your consideration:

- 1) Credit analysis by Senior Credit Officer Robert N. Ellis
- 2) Credit request by manager Robert Flandro
- 3) Financial statement of Sean McDevitt
- 4) W-2 for Sean McDevitt
- 5) W-2 for Rebecca Sue McDevitt, spouse
- 6) 1988 Tax return for Sean McDevitt
- 7) 10-12-90 memorandum/loan decline by Robert Flandro and adverse action letter
- 8) Credit request for letter of credit secured by Time Certificate of Deposit.

The sources of repayment for the \$30M unsecured loan consisted of income from his wages for managing the family farm income from Army Reserves and his wife's income of (Since Idaho is a community property state it was not necessary for her to sign the promissory note.) As explained by Mr. Ellis, the debt to income ratio was within acceptable bank guidelines.

When Mr. McDevitt applied for an additional \$40M unsecured loan, that request was denied based upon Mr. McDevitt inability to service the proposed debt.

25043620104

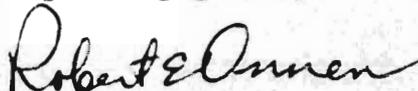
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CHIEF COUNSEL
91 DEC -9 AM 3:13

December 3, 1991
Mr. Craig Reffner, Esq.
Page -2-

The letter of credit was fully secured by a Time Certificate of Deposit.

Based upon Mr. McDevitt's ability to service the debt on the unsecured \$30M loan, we do not believe that any violations of the Federal Election campaign Act of 1971 has occurred. The \$30M loan was paid in full prior to maturity.

Very truly yours,



Robert E. Onnen
Vice President and
General Counsel

REO/rb

95043620195



First Interstate Bank
of Idaho, N.A.

Interoffice
Correspondence

To Rob Onnen
VP/General Counsel

From Robert N. Ellis
SVP/Credit Administration

Subject Sean McDevitt

Date 12/2/91

Dept. # 810

Ext. # 4266

I reviewed the file regarding a \$30,000 one year, unsecured transaction loan granted 2/20/90, with a 2/15/91 maturity. Bob Flandro's stated loan purpose was to finance the political campaign of Mr. McDevitt for a seat in the Second Congressional District. For the purpose of granting this loan, we obtained a promissory note, a personal financial statement on Mr. McDevitt dated 2/13/90, a credit report, and a copy of Mr. McDevitt's 1989 W-2, as well as that of his wife. All these things we requested of and received from Mr. McDevitt are standard and customary.

The credit itself was unsecured and to be repaid from campaign contributions, although Bob Flandro clearly indicated based on current information that Mr. McDevitt had a source of income with which to retire this note. From an analytical standpoint, Mr. McDevitt's personal financial statement showed some liquidity in the form of in listed securities, as well as an IRA. The IRA was verified as to its amount through a copy of his self-directed IRA statement. Although we were not securing this loan in any part with Mr. McDevitt's IRA, we customarily think of IRAs as a source of potential liquidity with which loans can be retired. We obviously recognize that a penalty is imposed, but there have been numerous instances where borrowers chose to liquidate their IRAs and pay the bank. Bob Flandro also verified Mr. McDevitt's current income of per month running the family farm, and calculated that Mr. McDevitt's wife, who was on active duty, provided additional family income since Idaho is a community property state. However, Mrs. McDevitt did not sign on the promissory note. Mr. McDevitt's debt/income (D/I) ratio was calculated at approximately 10% of total family income. If the subject \$30,000 note were termed over 60 months, the resultant family D/I would rise to approximately 29%. Our general standard for D/I is 35%. This analytical approach of imputing a 60 month term to an unsecured loans is customary for ascertaining the adequacy of a borrowers continuing income to service this type of credit. The loan was also risk rated "6", which at the time of origination was pass/watch, indicating an acceptable quality credit, but with some characteristics that necessitated heightened monitoring and follow up. Based on this designation, I believe the loan was fairly rated.

25043620196

According to Bob Flandro, Mr. McDevitt and his father, Dr. McDevitt, had been customers for 15 plus years with Sean having had personal accounts through high school and while he was at West Point. Dr. McDevitt still is a customer. Given the overall customer and family relationship to our bank, this appears to be the type of credit that is granted to a young man, newly out of the military, working for his family corporation, and which presented an acceptable risk. The loan was repaid in full, ahead of schedule on 7/30/91.


RNE/kls

25043620197

First Interstate Bank of Idaho
Commercial Banking Center #753
P.O.Box 2577
Pocatello, Idaho 83206-2577

Sean McDevitt
237 So. 17th
Pocatello, Idaho 83201

October 12, 1990

Dear Sean:

Thank you for applying to us for credit. We have given your request careful consideration, and regret that we are unable to extend credit to you at this time for the following reason:

- 1) Insufficient income to service debt.

NOTICE:

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal Agency that administers compliance with this law concerning this creditor is the Comptroller of the Currency, Consumer Examination Division Washington D.C. 20219.

If you have any further questions, please give me a call at 233-8225.

Sincerely,


Robert Flandro
VP & Commercial
Banking Manager

BF:pm

25043620128



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 11, 1991

M. Jay Meyers, Esq.
McDevitt, Meyers & Thomsen
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164

Dear Mr. Meyers:

On December 2, 1991, we agreed to reschedule the depositions of your clients, Thomas and Sean McDevitt, for December 19 and 20, 1991, respectively. In addition, these depositions were scheduled to commence at 9:00 a.m. in Room B-23 in the Federal Building, 250 South Fourth Street, Pocatello, Idaho. However, due to scheduling conflicts at the Federal Building, these depositions will now take place at Room B-43. Although the particular room where these depositions will take place has changed, the agreed upon time and dates have not; unless notified otherwise, each deposition will commence at 9:00 a.m. on December 19 and 20, 1991.

If you have any questions, please do not hesitate to contact me at (202) 219-3690.

Sincerely,


Craig Douglas Reffner
Staff Attorney

25043620199

McDEVITT, MEYERS & THOMSEN

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-4121

FAX NO: (208) 233-4174

M. JAY MEYERS
FERRY S. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1028-1028

December 13, 1991

Craig Reffner
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3164
Sean D. McDevitt
McDevitt for Congress and Bruna M. McDevitt as Treasurer
McDevitt for Congress and Thomas J. McDevitt as Treasurer
Bruna M. McDevitt
Thomas J. McDevitt, President Little Red Hen, Inc.
James P. McDevitt
Charles T. McDevitt
Daniel B. McDevitt

Dear Mr. Reffner:

Attached herewith are my clients responses to the subpoenas. My clients look forward to working with you and clearing up any questions you might have.

Please advise if you need anything further prior to our December 19, 1991, meeting at the Federal Building here in Pocatello.

Thank you.

Sincerely,


M. Jay Meyers

MJM/hv
enclosures
cc Tom McDevitt
Sean McDevitt

25043620200

ITEMIZED DISBURSEMENTS

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

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

NAME OF COMMITTEE (in Full) McDavitt for Congress

25043620201

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
KTFI-Radio Box 2820 Twin Falls, ID 83303	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	170.00
KVSI-Radio Box 340 Montpelier, ID 83254	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	140.00
KWIK-Radio Box 998 Pocatello, ID 83202	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	825.00
KZBQ-Radio Box 97 Pocatello, ID 83204	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	475.15
KZDX-Radio 1841 W. Main Burley, ID 83318	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	418.20
Postmaster Pocatello, ID 83201	Postage Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/23 10/29/90	300.00 100.00
Little Red Hen Pocatello, ID	Rent <i>Should Be Postage</i> Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/1/90 11.19/90	2,900.00 2210.41
Mountain Bell	Telephone Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	NOV 1	854.10
Tom McDavitt 237 South 7th Pocatello, ID	Advertising Reimbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/6/90	2,781.26

SUBTOTAL of Disbursements This Page (optional)

10994.12

TOTAL This Period (last page this line number only)

2

25043620203

McDEVITT FOR CONGRESS
P O BOX 148
POCATELLO, ID 83204

1235
02-01241

Nov. 19, 90

PAY TO THE
ORDER OF

Little Red Wagon, Inc. \$ 2,210.40
two thousand two hundred ten and 40/100
0541007000002400474111-23-90



First Interstate Bank
P.O. Box 148
Pocatello, ID 83204

FOR *use of truck* *Ms. Bruce M. McDevitt*
⑆0000226040⑆

SENT BY: McDEVITT BMEYERS

12-13-91 : 2:41PM :

1208220174-

202 219 9923: # 6

3-9148

POCATELLO COPYCAT

INSTA-PRINTING SERVICE

35404

P.O. Box 671 • 426 N. Main • Pocatello, ID 83204 • 233-6766
FAX # 298-332-7988

Customer's P.O. Number _____ Date June 90
M ~~Steve Van Gend~~
Address 7007 N. D. Witt
P.O. Box 4928 83205

QUAN	DESCRIPTION	PRICE	AMOUNT
10 000	envelopes print		730.85
10 500	letterhead print		387.55
			1118.40
		tax	55.92
			1174.32

25043620205

Received by _____
All claims and refunds MUST be accompanied by this bill.

For open accounts 30 days or older a FINANCE CHARGE is computed by a "Periodic Rate" of 1 3/4% per month or A Minimum Charge of \$1.00, (which is an ANNUAL PERCENTAGE RATE OF 21%) applied to the previous balance after deducting payments and/or credits appearing on this statement.

ART COLLECTABLES

Custom Design Belt Buckles • Caps • T-Shirts
 460 N. Yellowstone • Pocatello, Idaho 83201
 Phone (208) 232-6433

P.O. _____ Date 8/24 1990
 Sold To Tom McDevitt
 Address _____ Phone 232-1847
 City _____ State _____ Zip _____

Quantity	Description	Eq.	Amount
200	WHITE/RIVAL/RED CAPS		
	W/BLEU LOGO	2.15	430.00
200	WHITE SCREEN/STAR		
	BEST T-SHIRTS		
	BLUE LOGO 1/SIDE	3.90	780.00
1	SCREEN CHARGE	15.00	15.00

79 McDevitt

Sub Total 1225.00
 Sales Tax 61.25
 TOTAL 1286.25
 Deposit 400.00
 Balance Due 1246.25

Signature _____

25043620206

202 210 9023:010

1209233474-

12-13-01 : 2:43PM :

SENT BY:MCDEVITTMEYERS

	<p>SEAN McDevitt 10/11 1980 <small>AFTER DATE, FOR VALUE RECEIVED, I, WE OR EITHER OF US,</small> PROMISE TO</p>
S	<p>PAY TO THE ORDER OF <u>Tom McDevitt</u> <u>\$30,000 (Thirty thousand)</u> DOLLARS</p>
INT	<p><small>IN LAWFUL MONEY OF THE UNITED STATES OF AMERICA</small></p>
DATE	<p>AT <u>1/1/91</u> <small>WITH INTEREST THEREON, IN LIKE MONEY AT THE RATE OF <u>11</u> PER CENT PER ANNUM (INTEREST COMPUTED ON THE BASIS OF A 360 DAY YEAR AND ACTUAL DAYS ELAPSED), PAYABLE <u>in Full</u> FROM <u>10/11/80</u> TO <u>10/11/91</u></small></p>
No.	<p><small>UNTIL MATURITY, AND THEREAFTER AT THE RATE OF _____ PER CENT PER ANNUM UNTIL PAID, AND IF NOT PAID AT MATURITY AND THIS NOTE BE PLACED WITH AN ATTORNEY FOR COLLECTION OR IF SUIT BE INSTITUTED FOR ITS COLLECTION, I, WE OR EITHER OF US, AGREE TO PAY BY EITHER CASE, REASONABLE ATTORNEY'S FEES, THE RAKES, SURETIES, GUARANTORS AND ENDORSERS HEREOF SEVERALLY WAIVE PRESENTMENT FOR PAYMENT, NOTICE OF PROTEST AND OF NON-PAYMENT OF THIS NOTE, IF THE INTEREST ON THIS NOTE IS NOT PAID AT THE TIME IT BECOMES DUE THE HOLDER OF THIS NOTE AT ITS OPTION MAY DECLARE THE WHOLE DUE AND PAYABLE.</small></p>
P. O.	<p><i>[Handwritten initials]</i> <u>Sean McDevitt</u></p>
L-27 REV. 6-73	<p>DUE _____</p>

25043620207

202 219 3933:011

120823-174-

12-13-01 : 2:43PM :

SENT BY:MCDEVITTONEYERS

	<p><u>McDevitt for Congress</u> <u>October 11</u> 19<u>90</u> <small>AFTER DATE FOR VALUE RECEIVED, I, WE OR EITHER OF US</small></p>
P	<p>PROMISE TO PAY TO THE ORDER OF <u>Sean McDevitt</u></p>
INT	<p><u>\$30,000.00 (thirty thousand)</u> DOLLARS <small>IN LAWFUL MONEY OF THE UNITED STATES OF AMERICA</small></p>
DATE	<p>AT _____ WITH INTEREST THEREON IN LIKE MONEY AT THE RATE OF <u>11</u> PER CENT PER ANNUM (INTEREST COMPUTED ON THE BASIS OF A <small>360 DAY YEAR, AND ACTUAL DAYS ELAPSED). PAYABLE <u>in full</u> FROM <u>10/11/90</u> TO <u>10/11/91</u></small></p>
No.	<p>UNTIL MATURITY AND HEREAFTER AT THE RATE OF _____ PER CENT PER ANNUM UNTIL PAID, AND IF NOT PAID AT MATURITY AND THIS <small>NOTE BE PLACED WITH AN ATTORNEY FOR COLLECTION, OR IF SUCH BE INSTITUTED FOR ITS COLLECTION, I, WE OR EITHER OF US, AGREE TO PAY IN OTHER CASE REASONABLE ATTORNEY'S FEES, THE WAGES, SALARIES, GUARANTORS AND ENDORSERS HEREOF SEVERALLY WAIVE PROTEST AND FOR PAYMENT, NOTICE OF PROTEST AND OF NON-PAYMENT OF THIS NOTE, IF THE INTEREST ON THIS NOTE IS NOT PAID AT THE TIME IT BECOMES DUE, THE HOLDER OF THIS NOTE AT HIS OPTION MAY DEMAND THE WHOLE DUE AND PAYABLE.</small></p>
P. O.	<p><u>Bruna M. McDevitt, Treasurer</u></p>
	<p>DUE _____</p>
	<p>L-27 REV. 6-73</p>

25048620208

202 210 9033:012

120825 074-

2-19-81 : 2:43PM :

SENT BY:MCDEVITTMEYERS

MORTGAGE AMORTIZATION PROGRAM

ENTER MORTGAGE AMOUNT ==> 30000
ENTER INTEREST RATE =====> 11
ENTER NUMBER OF YEARS ==> 1
MONTHLY PAYMENTS ARE =====> 2651.44

PYMNT	PRINCIPAL	INTEREST	BALANCE
1	2376.44	275.00	27623.56
2	2398.22	259.22	25225.34
3	2420.21	231.23	22805.13
4	2442.39	209.05	20362.74
5	2464.78	186.66	17897.96
6	2487.38	164.06	15410.58
7	2510.18	141.26	12900.40
8	2533.17	118.25	10367.21
9	2556.41	95.03	7810.80
10	2579.84	71.60	5230.96
11	2603.49	47.95	2627.47
12	2627.35	24.09	0.12

INTEREST FOR 12 PERIODS = 1817.40

PRESS SPACE BAR TO CONTINUE

9 0 2 0 2 9 8 0 5 2

Lela D. Pumphrey
2018 Diane Lane
Pocatello, ID 83201
208/236-4292
October 17, 1990

Mr. Sean McDevitt
237 South Seventh Avenue
Pocatello, ID 83201

Dear Sean:

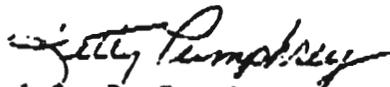
When preparing your Federal Election Commission Form 3 for the period 10/1/90-10/17/90, I discovered a transaction which appears to be a violation of the Federal Election Commission rules. I recommend that you consult an attorney, one familiar with Federal election laws, concerning this transaction prior to submitting this required report. (The report must be mailed by October 22, 1990.)

As I understand it, your father loaned you \$30,000 which you then loaned or contributed to the campaign on October 11, 1990. This would appear to be in violation of the contribution limit of \$1,000 per individual per election. This \$1,000 limit applies to contributions from members of a candidate's family (see page 6 of the Guide). A loan, including a loan to the campaign from a member of the candidate's family, is considered a contribution... (see the Guide, page 5) as is an endorsement or guarantee of a loan.

It would appear to be legal for your father and your mother to each contribute \$2,000 to your campaign (\$1,000 each for the primary and the general elections). Your brothers could also contribute up to \$2,000 to the campaign if they do so from their own funds.

The penciled copy of the FEC Form 3 which I submitted to your mother today was prepared on my understanding of the \$30,000 transaction as explained in the second paragraph of this letter.

Respectfully submitted.


Lela D. Pumphrey

25043620210

Thomas J. McDevitt
237 South 7th Ave.
Pocatello, ID 83201

October 22, 1990

Chairman
Federal Election Commission

Dear Sir:

On October 11, 1990 I lent my son, Sean McDevitt,
\$30,000.00. Since then, I have been told that this
loan may be against the rules.

If so, I apologize. The money is being repaid.

Sincerely,



Thomas J. McDevitt
Campaign Manager

25043620211

23 Nov, 1990

Receipt from Sean McFlintt
\$26,377.12 for payment in full of
\$30,000 loan made 11/11/88.

\$4,000 to be contribution for Tom & Brian
McDevitt to \$1,000 each for party election & \$1,000
each to send election for McDevitt for lawyer.
\$337.12 interest - October 11, 1990 to 23 Nov. 1990

Chk # 2026 =	\$6,000
2027 =	3400
0963 =	1000
2028 =	2977.12
2030 =	100
Chk # 1575845 =	\$2900
<hr/>	
	\$26,377.12

Thomas J. McFlintt

25043620212

27 NOV. 1990

SEAN McDiitt Repaid Loan from
Thomas J. & BRUNA McDiitt of
\$30,000 made 11/11/89

Payments came from

1. SALE of AUTO 3400
2. Bond Sale of SEAN & Rebecca McDiitt = ~~5,997.12~~ 4600
3. IRA Sen McDiitt = 17,000
4. Repayment of Loan McDiitt for congress to SEAN = 17,721.2
5. 4,000 donation to Tom & BRUNA McDiitt. 1,000 each to
Sean McDiitt for congress campaign + 5,000 each to
General Election expenses. McDiitt For congress
Campaign

25043620213

23 March 1990

Receipt from Susan Trillitt \$26,377.12
for repayment of loan including interest, made
11 October 1990

Thomas J. McDevitt

25043620214

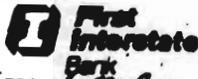
SEAN McDEVITT
REBECCA McDEVITT
237 SOUTH 7TH AVE
POCATELLO, ID 83201

2021
02-01241

23 NOV 90

PAY TO THE
ORDER OF

Thomas J. McDevitt \$ 16,000.00
Sixteen thousand dollars DOLLARS



First Interstate Bank
of Idaho, N.A.
Pocatello Office
602 South Main
P.O. Box 37
Pocatello, ID 83201-0037

FOR *Confidential*

Sean McDevitt

REBECCA McDEVITT
237 SOUTH 7TH AVE
POCATELLO, ID 83201

02-01241

23 NOV 90

PAY TO THE
ORDER OF

Thomas J. McDevitt \$ 2937.12
Two thousand nine hundred thirty seven and 12/100



First Interstate Bank
of Idaho, N.A.
Pocatello Office
602 South Main
P.O. Box 37
Pocatello, ID 83201-0037

FOR *Confidential*

Sean McDevitt

SEAN McDEVITT
REBECCA McDEVITT
237 SOUTH 7TH AVE
POCATELLO, ID 83201

2030
02-01241

23 NOV 90

PAY TO THE
ORDER OF

Thomas J. McDevitt \$ 100.00
One hundred dollars DOLLARS



First Interstate Bank
of Idaho, N.A.
Pocatello Office
602 South Main
P.O. Box 37
Pocatello, ID 83201-0037

FOR

Sean McDevitt

0963

02-01241

23 NOV 90

\$ 1000.00

Dollars

REBECCA S. McDEVITT

6145 N. BICENTENNIAL LP SE
OLYMPIA, WA 98505

Thomas J. McDevitt
Two thousand dollars
Sean McDevitt



First Interstate Bank
of Idaho, N.A.

1575845

Pocatello OFFICE

Pocatello BRN

11-23 90

PAY TO THE
ORDER OF

*****Thomas J. McDevitt***** , ****2,900.00****

First Interstate 2,900 and 00/100 DOLLARS

CASHIER'S CHECK

[Signature]
AUTHORIZED SIGNATURE

DEPOSIT TICKET 3 6 2 0 2 1 6

THOMAS J. MC DEVITT, M. D.
 P. O. BOX 4038
 POCATELLO, ID 83208



CASH		
0963	1000	-
2070	100	-
2026	16,500	-
2027	3700	-
OTHER DEPOS	5877	12
TOTAL	26377	12

~~121~~

PLEASE
 RETURN
 CHECKS ON
 REVERSE
 SIDE

DATE 23 Nov 70
 CHECKS AND OTHER DEPOS ARE CREDITED FOR DEPOSIT CREDIT TO THE
 ORDER AND ENDORSEMENT OF THE DEPOSITOR'S COLLECTOR AGREEMENT

First Security Bank
 First Security Bank of Idaho
 100 E. Arthur Street
 Pocatello, Idaho 83204

*Payment to Thomas J. McDevitt personal and
 all over*

SENT BY: MCDEVITT & MEYERS

12-13-91 : 2:47PM :

1201231474

202 219 30231819

25043620217

PLEASE USE THAT ALL CHECKS ARE ENDORSED

TOWNS OR TOWNSHIP AND NO. OF SALARIES PERSONNEL, INSTITUTION	DOLLARS		CENTS	
1. 2025	29	37	12	
2. 157545	29	10	-	
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				
27.				
28.				
TOTAL		58	47	12

PLEASE TRANSFER THIS TOTAL TO REVERSE SIDE

SENT BY: MCDEVITT & MEYERS : 12-13-91 : 3:06PM : 12082324174- 202 219 3923: # 1

First Security Bank..

5 0 4 3 6 2 0 2 1 8
First Security Bank of Utah, N.A.

Receipt

Currently Giving 110%

Thank you for your business.

The date, time, number, type, and amount of your transaction are shown below.

Member FDIC

ID-42A Utah R 2790

Deposit slip for Repay of SEAN'S LOAN

TITLE 49, CHAPTER 210, ICAHO CODE, mandates that Certificates of Title be filed with the department within ten (10) days after the delivery of such motor vehicle.

Please Print or Type Requested Information **BUYER**

6a. Full Name(s) of New Registered Owner(s) (Last, First, Middle)			
6b. <input type="checkbox"/> and (Last, First, Middle) <input type="checkbox"/> or			
7. Street Address or R. F. D. Box Number	City	State	Zip Code
8. Address Where Vehicle Is kept	City	County	
9a. Date of Purchase 23 Nov. 1990	9b. Purchase Price 63400	9c. Odometer Reading at Purchase 68,328	
9d. Signature of New Registered Owner(s) <i>X Thomas J. McPherson</i>			
9e. Signature of New Registered Owner(s) X			
7. Name of the LENDER (If No Lien, Write NONE) Do Not Enter Name of Registered Owner(s) Above			
12. 1st Lender's Address	City	State	Zip Code
13. Name of 2nd LENDER			
14. 2nd Lender's Address	City	State	Zip Code

**SALE OR REASSIGNMENT BY A LICENSED DEALER
DEALER ONLY**

DEALER NAME	DEALER NO.	RELEASE DATE	DEALER AGENT SIGNATURE	ODOMETER READING
15.				
16.				
17.				
18.				
19.				
20.				
21.				

25043620219

23 NOV 90

I, Sean Daniel McDevitt, received
on 23 November 1990 from Thomas
J. McDevitt the sum of \$3400⁰⁰
for payment in full for my 1984
Plymouth Horizon, VIN#
This payment includes new engine
installed 15 June 1990.

Sean McDevitt
Sean Daniel McDevitt

25043620220

REPORT OF RECEIPTS AND DISBURSMENTS

For An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full) McDevitt for Congress		CO0241257
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. P. O. Box 545		2. FEC IDENTIFICATION NUMBER CO0241257
CITY, STATE and ZIP CODE Pocatello Idaho 73204-9545	STATE/DISTRICT	3. IS THIS REPORT AN AMENDMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

4. TYPE OF REPORT

<input type="checkbox"/> April 15 Quarterly Report	<input type="checkbox"/> Twelfth day report preceding _____ (Type of Election)
<input type="checkbox"/> July 15 Quarterly Report	election on _____ in the State of _____
<input type="checkbox"/> October 15 Quarterly Report	<input checked="" type="checkbox"/> Thirtieth day report following the General Election on
<input type="checkbox"/> January 31 Year End Report	_____ Nov. 6 in the State of Idaho
<input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only)	<input type="checkbox"/> Termination Report

This report contains activity for Primary Election General Election Special Election Recall Election

SUMMARY

8. Covering Period <u>10/15/90</u> through <u>11/29/90</u>	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	42,196.25	80,324.25
(b) Total Contribution Refunds (from Line 20(d))	-0-	-0-
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	42,196.25	80,324.25
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	22,136.06	109,833.67
(b) Total Offsets to Operating Expenditures (from Line 14)	223.03	540.49
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	21,913.03	109,293.18
8. Cash on Hand at Close of Reporting Period (from Line 27)	731.05	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	-0-	For further information contact Federal Election Commission 988 E Street, NW Washington, DC 20463 Toll Free 800-424-9630 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	30,000.00	

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

Type or Print Name of Treasurer Bryan McDevitt	Date
Signature of Treasurer	12/6/90

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)

25043620221

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

Name of Committee (in full)	Report Covering the Period:		
	From: 10/18/90	To: 11/29/90	
McDevitt for Congress	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (see Schedule A)	5,000.00		11(a)(i)
(ii) Unitemized	7,641.00		11(a)(ii)
(iii) Total of contributions from individuals	12,641.00	47,850.00	11(a)(iii)
(b) Political Party Committees	1,000.00	4,510.00	11(b)
(c) Other Political Committees (such as PACs)	500.00	1,900.00	11(c)
(d) The Candidate	28,055.25	31,855.25	11(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	42,196.25	80,124.25	11(e)
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	-0-	-0-	12
13. LOANS:			
(a) Made or Guaranteed by the Candidate	-0-	30,000.00	13(a)
(b) All Other Loans	-0-	30,000.00	13(b)
(c) TOTAL LOANS (add 13(a) and (b))	-0-	60,000.00	13(c)
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	223.03	540.49	14
15. OTHER RECEIPTS (Dividends, Interest, etc.)			
	42,419.28	140,864.74	15
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)			16
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	22,136.06	109,833.67	17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	-0-	-0-	18
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate	-0-	-0-	19(a)
(b) Of All Other Loans	30,000.00	30,000.00	19(b)
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	30,000.00	30,000.00	19(c)
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	-0-	-0-	20(a)
(b) Political Party Committees	-0-	-0-	20(b)
(c) Other Political Committees (such as PACs)	-0-	-0-	20(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	-0-	-0-	20(d)
21. OTHER DISBURSEMENTS	-0-	-0-	21
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	52,136.06	139,833.67	22
III. CASH SUMMARY			
23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$	10,447.83	23
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$	42,419.28	24
25. SUBTOTAL (add Line 23 and Line 24)	\$	52,667.11	25
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$	52,136.06	26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$	731.05	27

25043620222

SCHEDULE A

ITEMIZED RECEIPTS

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

NAME OF COMMITTEE (in Full)

McDevitt for Congress

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Cash Receipt this Period
Joe & Kathryn Albertson 380 East Park Center Blvd Boise, ID 83706 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Albertsons Occupation	11/2/90 Aggregate Year-to-Date > \$ 1,000.00	1,000.00
Tom & Bruna McDevitt 237 South 7th Pocatello, ID 83201 Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Self Occupation	11/23/90 Aggregate Year-to-Date > \$ 2,000.00	2,000.00
Tom & Bruna McDevitt 237 South 7th Pocatello, ID 83201 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Self Occupation	11/23/90 Aggregate Year-to-Date > \$ 4,000.00	2,000.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation	Date (month, day, year) Aggregate Year-to-Date > \$	Amount of Cash Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation	Date (month, day, year) Aggregate Year-to-Date > \$	Amount of Cash Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation	Date (month, day, year) Aggregate Year-to-Date > \$	Amount of Cash Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation	Date (month, day, year) Aggregate Year-to-Date > \$	Amount of Cash Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Name of Employer Occupation	Date (month, day, year) Aggregate Year-to-Date > \$	Amount of Cash Receipt this Period

SUBTOTAL of Receipts This Page (optional)	5,000.00
TOTAL This Period (last page this line number only)	5,000.00

25043620223

SCHEDULE A

ITEMIZED RECEIPTS

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

NAME OF COMMITTEE (in Full)

McDevitt for Congress

25043620224

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Committee to Reelect Rex Furniss 3770 East 300 North Rigby, ID 83442		10/31/90	350.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$ 350.00		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Hunter for Congress 9340 Fuertes Drive #203 La Jolla, CA 92041		11/2/90	500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$ 500.00		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Elmore County Republicans 220 north Second East Mt. Home, ID 83647		10/17/90	150.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$ 150.00		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		

SUBTOTAL of Receipts This Page (optional)	1,000.00
TOTAL This Period (last page this line number only)	1,000.00

SCHEDULE A

ITEMIZED RECEIPTS

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

NAME OF COMMITTEE (in Full)
McDevitt for Congress

25043620225

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Conservative Victory Fund 422 First Street SE Washington, D.C. 20003		10/22/90	500.00
	Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$ 500.00
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date > \$	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date > \$	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date > \$	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date > \$	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date > \$	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date > \$	
SUBTOTAL of Receipts This Page (optional)			500.00
TOTAL This Period (last page this line number only)			500.00

SCHEDULE B

ITEMIZED DISBURSEMENTS

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

NAME OF COMMITTEE (in Full)
McDevitt for Congress

25043620226

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
KADQ-Radio P.O. Box 66 Roxburg, ID 83440	advertising Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	360.00
KART-Radio 47 N. 100 W. Jerome, ID 83338	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	452.50
KBOI-Radio P.O. Box 1280 Boise, ID 83701	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	549.10
KLCE-Radio P.O. Box 699 Blackfoot, ID 83221	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	700.00
KEZJ-Radio Box 346 Twin Falls, ID 83303	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	308.00
KRRK-Radio Box 427 Rupert, ID 83350	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	381.30
KID-Radio Box 1549 Isaho Falls, ID 83403	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	602.14
KBRV-Radio P.O. Box 777 Soda Springs, ID 83276	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	332.50
KRCD-Radio P.O. Box 2 Pocatello, ID 83206	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	160.00

SUBTOTAL of Disbursements This Page (optional)	3,845.54
TOTAL This Period (last page this line number only)	0

SCHEDULE B

ITEMIZED DISBURSEMENTS

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NAME OF COMMITTEE (in Full)

McDevitt for Congress

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
KIZN-Radio 401 W. Idaho Boise, ID 83702	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	325.00
KJCY-Radio Box 704 Mountain Home, ID 83647	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	292.50
KCIX-Radio 5257 Fairview Ave., Suite 250 Boise, ID 83706	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	827.05
KRXK-Radio P.O. Box 458 Rexburg, ID 83440	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	375.00
KSEI-Radio P.O. Box 40 Pocatello, ID 83204	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	552.00
KSKI-Radio P.O. Box 1340 Hailey, ID 83333	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	242.00
KLIX-Radio P.O. Box 1259 Twin Falls, ID 83303	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	450.00
KSRA-Radio 315 HWay 93 N. Salmon, ID 83467	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	160.00
KUPI-Radio 854 Lindsey Blvd. Idaho Falls, ID 83402	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	755.00

SUBTOTAL of Disbursements This Page (optional) 3,988.55

TOTAL This Period (last page this line number only) 0

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SCHEDULE B

ITEMIZED DISBURSEMENTS

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

NAME OF COMMITTEE (in Full) **McDevitt for Congress**

25043620228

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
KFYI-Radio Box 2820 Twin Falls, ID 83303	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	170.00
KVSI-Radio Box 340 Montpelier, ID 83254	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	140.00
KWIK-Radio Box 998 Pocatello, ID 83202	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	825.00
KZBQ-Radio Box 97 Pocatello, ID 83204	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	475.15
KZDK-Radio 1841 W. Main Burley, ID 83318	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	418.20
Postmaster Pocatello, ID 83201	Postage Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/23/90 10/29/90	100.00 100.00
Little Red Hen Pocatello, ID	Rent Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/1/90 11.19/90	2,900.00 2210.41
Mountain Bell	Telephone Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	NOV 1	864.10
Tom McDevitt 237 South 7th Pocatello, ID	Advertising Reimbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/6/90	2,781.26

SUBTOTAL of Disbursements This Page (optional) **10984.12**

TOTAL This Period (last page this line number only) **2**

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
B. Full Name, Mailing Address and ZIP Code Interstate Bank	Purpose of Disbursement Interest Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 1/8/90	
C. Full Name, Mailing Address and ZIP Code The Dominion Bank	Purpose of Disbursement Office Supplies Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year) 1/8/90	
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	2401.05
TOTAL This Period (last page this line number only)	

Lender Name: First State Bank Loan Source: Trust		Original Amount of Loan: 30,000.00
Term: 24 Months Orig. Date: 12/31/90 Interest Rate: 12%		
1. Full Name, Mailing Address and ZIP Code: Sean McDevitt 37 South 7th Avenue Pocatello, ID 83201		Name of Employer: None Occupation: Political Candidate Amount Guaranteed Outstanding: 30,000.00
2. Full Name, Mailing Address and ZIP Code:		Name of Employer: Occupation: Amount Guaranteed Outstanding:
3. Full Name, Mailing Address and ZIP Code:		Name of Employer: Occupation: Amount Guaranteed Outstanding:
4. Full Name, Mailing Address and ZIP Code:		Name of Employer: Occupation: Amount Guaranteed Outstanding:
Election: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other:		
Terms: Date Incurred: Date Due: Interest Rate: Secured:		
List All Endorsers or Guarantors (if any) to Item E		
Full Name, Mailing Address and ZIP Code:		Name of Employer: Occupation: Amount Guaranteed Outstanding:
2. Full Name, Mailing Address and ZIP Code:		Name of Employer: Occupation: Amount Guaranteed Outstanding:
3. Full Name, Mailing Address and ZIP Code:		Name of Employer: Occupation: Amount Guaranteed Outstanding:
SUBTOTALS This Period This Page (optional):		30,000.00
TOTALS This Period (last page in this line only):		30,000.00
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.		

88 C 3962

McDEVITT, MEYERS & THOMSEN
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE
(208) 233-4121
FAX NO: (208) 233-4174

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
92 JAN -2 AM 9:54

M. JAY MEYERS
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928 1988

December 27, 1991

Craig Reffner
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3164
Sean D. McDevitt
McDevitt for Congress and Bruna M. McDevitt as Treasurer
McDevitt for Congress and Thomas J. McDevitt as Treasurer
Bruna M. McDevitt
Thomas J. McDevitt, President Little Red Hen, Inc.
James P. McDevitt
Charles T. McDevitt
Daniel B. McDevitt

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
92 JAN -3 AM 10:39

25043620231

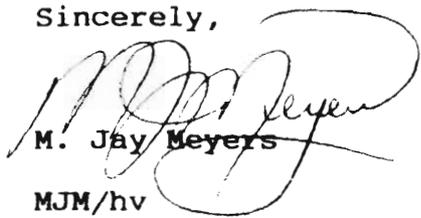
Dear Mr. Reffner:

This letter is a follow through to your taking the depositions of my clients on December 19 and 20, 1991. Now that you and Lisa Klein have had the opportunity to meet my clients, take their depositions, and fully and completely review Mrs. McDevitt's checkbook, I would hope that we can now discuss conciliation proceedings.

After you have had an opportunity to review the depositions, would you please call me so that we can discuss how best to conclude this matter.

Thank you.

Sincerely,


M. Jay Meyers

MJM/hv
cc Tom McDevitt
Sean McDevitt



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 7, 1992

M. Jay Meyers, Esq.
McDevitt, Meyers & Thomsen
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164

Dear Mr. Meyers:

This is in response to your letter dated December 27, 1991, which I received on January 3, 1992, in which you renew your clients' requests to enter into pre-probable cause conciliation. As you are aware, the Commission, on October 29, 1991, denied your clients' initial requests pending an investigation into this matter. Once the investigation in this matter has been completed, including a review of your clients' deposition transcripts, this Office will again present your clients' requests for conciliation to the Commission. In the meantime, should you have any questions please feel free to contact me at (202) 219-3690.

Sincerely,


Craig Douglas Reffner
Attorney

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:)
The Deposition of) MUR 3164
THOMAS J. McDEVITT)

WHEREUPON, on the 19th day of December, 1991,
at the hour of 9:00 a.m. the deposition of THOMAS J.
McDEVITT, produced as a witness at the instance of the
Federal Election Commission in the above-entitled action,
was taken before Jean M. Buchanan, CSR and notary public,
State of Idaho, in the United States Courthouse, 250
South Fourth, Pocatello, Bannock County, Idaho.

APPEARANCES:

For the Deponent: M. JAY MEYERS
McDevitt, Meyers & Thomsen
Attorneys at Law
Seventh and Lander
Pocatello, Idaho

For the Federal Election Commission: LISA E. KLEIN
CRAIG DOUGLAS REFFNER
Attorneys at Law
999 E. Street, N.W.
Washington, D. C.

RECEIVED
FEDERAL ELECTION COMMISSION
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COPY

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I N D E X

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Examination By:

Page

Mr. Reffner..... 3

Exhibits:

No. 1 - Letter 6/15/89..... 54
No. 2 - Letter 1/8/90..... 61
No. 3 - Receipts..... 66
No. 4 - FEC Report 12/6/90..... 69
No. 5 - List of Checks..... 85
No. 6 - Letter 11/12/91..... 120

* * * *

2 5 4 3 6 2 2 4

1 P R O C E E D I N G S

2 THOMAS J. McDEVITT,

3 called at the instance of the Federal Election
4 Commission, having been first duly sworn, was examined
5 and testified as follows:

6 EXAMINATION

7 BY MR. REFFNER:

8 Q. Could you state your name for the record and
9 spell your last name?

10 A. Thomas J. McDevitt, M-c-D-e-v-i-t-t.

11 Q. And are you represented by counsel here today?

12 A. Yes, I am.

13 Q. And could you state your counsel's name for the
14 record?

15 A. M. Jay Meyers.

16 Q. Thank you.

17 MS. KLEIN: As a preliminary matter, the record
18 should reflect that we are here pursuant to a deposition
19 subpoena issued by the Federal Election Commission which
20 was originally scheduled for December 4 and December 5,
21 1991. At the agreement of the parties these depositions
22 have been rescheduled for December 19 and December 20.
23 The December 19 is for Dr. Thomas McDevitt and the son's
24 deposition is scheduled for December 20, 1991.

25 Respondents have appeared jointly for

2504362235

1 deposition and we have expressed our desire to proceed
2 with the deposition of Dr. Thomas McDevitt with the
3 exclusion of his son.

4 MR. MEYERS: It's more than desire to proceed.
5 You have expressed the opinion that you have the right to
6 exclude Sean McDevitt from Dr. Tom McDevitt's deposition.

7 MS. KLEIN: Right. And that counsel has not
8 advanced any basis for a right to insist upon the
9 attendance of both.

10 MR. REFFNER: As Ms. Klein stated, and for the
11 record this is the deposition of Dr. Thomas McDevitt
12 taken pursuant to Section 437(g) of the Federal Election
13 Campaign Act of 1971, as amended, and in connection with
14 the commission's investigation into the matter under
15 review, No. 3164.

16 Q. (By Mr. Reffner) Dr. McDevitt, I don't know
17 whether you have ever had your deposition taken before,
18 but I would like to begin by explaining some of the
19 procedures for this deposition today to you. I am going
20 to be asking you a series of questions about activities
21 that you or other people may have conducted. It's very
22 important that you answer my questions verbally since the
23 court reporter will not be able to record your gestures
24 or nonverbal responses. Do you understand that?

25 A. Yes, sir.

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1 Q. It's also important that you answer each
2 question fully and completely and that you don't
3 speculate about your answers. If you realize that an
4 answer that you gave me has been incomplete or
5 inaccurate, just let me know and we can go back and I'll
6 let you modify your earlier answer. Do you understand?

7 A. Yes, sir.

8 Q. If you don't hear or understand a question,
9 just let me know and I'll speak louder or rephrase it so
10 that it's clear. Can we agree on that?

11 A. Yes, sir.

12 Q. If you fail to indicate that you have not
13 understood a question, then I'll assume that you have
14 completely understood that question and that you have
15 completely answered that question. Do you understand?

16 A. Yes, sir.

17 Q. And lastly, Dr. McDevitt, I would like to
18 remind you that you have taken an oath to tell the truth
19 and you should therefore treat your testimony today
20 during this deposition as though you were testifying in a
21 court of law before a judge and a jury. Do you
22 understand all of these instructions?

23 A. Yes, sir.

24 Q. Now, I realize that we are here to talk about
25 Sean's campaign for congress, but I'd like to begin by

159436220257

1 Q. And the respective ages for these children?

2 A. Sean is 29, I think, and Margaret is is about
3 28 and Charlie is 27 and Mary is 26, I guess, and Daniel
4 is 24 and Jim is 22, I think. Did I give you everybody?
5 Jim is about 22, I think.

6 Q. Does he also go by James?

7 A. Yes, James P. McDevitt.

8 Q. And which of your six children reside in
9 Pocatello?

10 A. None.

11 Q. Where do they reside?

12 A. Sean lives in Everett, Washington; Margaret
13 lives in Boise, Idaho; Charles, well, he goes to school
14 at the University of Idaho at Moscow, Idaho; and then
15 there is Mary lives in Kamina, Washington. Her name
16 isn't McDevitt anymore, she is married.

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20 Daniel goes to school at the University of
21 Arizona, Tucson, and then Jim is in the army, he is at
22 Fort Lewis, Washington. Now, I guess Charlie and Daniel,
23 their home would be with me but they are not home. And
24 Jim, too, he is in the army, but his permanent address
25 would be at 237 South Seventh.

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1 asking you some preliminary questions or background
2 questions. Could you tell us your address?
3 A. My home address?
4 Q. Yes.
5 A. 237 South Seventh Street, Pocatello, Idaho
6 83201.
7 Q. And how long have you been there, Mr. McDevitt?
8 A. Fifty-eight years.
9 Q. Are you married, Dr. McDevitt?
10 A. No, 51 years. We moved there when I was seven.
11 Q. Thank you. Are you married?
12 A. Yes, sir.
13 Q. What's your wife's name?
14 A. My wife's name is Bruna, B-r-u-n-a, Mae
15 McDevitt.
16 Q. And how long have you and Mrs. Bruna McDevitt
17 been married?
18 A. Thirty years.
19 Q. Do you have any children, Dr. McDevitt?
20 A. I have six children, I have four sons and two
21 daughters.
22 Q. And what are their names?
23 A. The oldest is Sean, S-e-a-n -- I'll give you
24 the boys to start with -- Sean, Charles, Daniel, and
25 James. And the girls are Margaret and Mary.

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1 Q. And the respective ages for these children?

2 A. Sean is 29, I think, and Margaret is is about
3 28 and Charlie is 27 and Mary is 26, I guess, and Daniel
4 is 24 and Jim is 22, I think. Did I give you everybody?
5 Jim is about 22, I think.

6 Q. Does he also go by James?

7 A. Yes, James P. McDevitt.

8 Q. And which of your six children reside in
9 Pocatello?

10 A. None.

11 Q. Where do they reside?

12 A. Sean lives in Everett, Washington; Margaret
13 lives in Boise, Idaho; Charles, well, he goes to school
14 at the University of Idaho at Moscow, Idaho; and then
15 there is Mary lives in Kamima, Washington. Her name
16 isn't McDevitt anymore, she is married.

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20 Daniel goes to school at the University of
21 Arizona, Tucson, and then Jim is in the army, he is at
22 Fort Lewis, Washington. Now, I guess Charlie and Daniel,
23 their home would be with me but they are not home. And
24 Jim, too, he is in the army, but his permanent address
25 would be at 237 South Seventh.

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1 Q. Now, I realize that you are a doctor. Could
2 you summarize your education for me?

3 A. My education, I went to -- well, high school,
4 and then I was a combat sergeant in the Korean War and I
5 went to -- then I went -- well, I went to a little
6 college up here at Idaho State University here in
7 Pocatello before I joined the army in the Korean War.
8 And then I went to the University of Idaho for premedical
9 education. And then I went to Marquette University in
10 Milwaukee, Wisconsin, for medical school. I had a year's
11 internship at Ogden, Utah, at St. Benedict's hospital. I
12 was a family practitioner for a year and a year of
13 general surgery at Santa Barbara and three years of ear,
14 nose, and throat surgery at Los Angeles.

15 Q. And in terms of dates, when did you graduate
16 from high school?

17 A. 1957 -- no, I lied, 1951.

18 Q. And when were you in the army in the service?

19 A. I was in '52 to '54.

20 Q. And then you began attending the University of
21 Idaho --

22 A. When I got out of the army in '54.

23 Q. And you graduated from --

24 A. In '57.

25 Q. -- medical school --

1 A. No, I graduated from the University of Idaho in
2 Moscow in '57 and I graduated from medical school in '61,
3 and a year of internship '61 to '62, general practice '62
4 to '63, specialty training '63 to '67, and here I is.

5 Q. So you have been practicing since 1967 in
6 Pocatello?

7 A. Well, my general practice was here, too. This
8 is my home. I was born in Pocatello, in a trunk in the
9 Princes Theatre.

10 Q. Could you tell me about your general practice?

11 A. My general practice? I was a family doctor, I
12 did the whole schmeer --

13 MR. MEYERS: Excuse me, Mr. Reffner. Do you
14 mean when he was in general practice or do you mean his
15 practice since 19 --

16 Q. Since you have come back to Pocatello in --

17 A. Since '67? Oh, ear, nose, and throat doctor,
18 is what I am.

19 Q. And do you practice alone?

20 A. Yes, sir, I am alone.

21 Q. And where is your business office?

22 A. My business office is 818 East Lander,
23 L-a-n-d-e-r, Street here in Pocatello.

24 Q. Have you ever run for a public office?

25 A. No, sir, I have not.

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1 Q. Have you ever held a public office?

2 A. No, sir, I have not.

3 Q. Now, other than Sean's campaign, have you ever
4 participated in someone's campaign for office?

5 A. No, sir, I have not.

6 Q. Have you ever served as a volunteer on anyone's
7 campaign?

8 A. No, I have not.

9 Q. Paid staff member?

10 A. No, sir, I have not.

11 Q. Have you ever contributed to someone's election
12 campaign? And, again, other than Sean McDevitt's
13 campaign.

14 A. Financially, moneywise?

15 Q. Yes.

16 A. Yes, sir, I have.

17 Q. And whose campaign?

18 A. Senator McClure.

19 Q. And what year was that in?

20 MR. MEYERS: If you remember.

21 A. Well, he quit last year, so it would have been
22 the campaign before, he was a senator, so maybe '82.

23 Q. Do you think it might have been in 1986?

24 A. Well, he is out of the Senate now, he quit, and
25 he quit in '90, I think. I don't know, sir, I am sorry.

1 MR. MEYERS: It could have been '84.

2 A. Yes, '84; I guess it was probably '84, I don't
3 know, sir.

4 Q. And other than anyone's campaign for election
5 have you ever contributed to any political committees?

6 A. Well, I don't know; a couple months ago I gave
7 \$50 to the local Republican Party.

8 Q. Any other contributions?

9 A. No, sir, I can't remember any. Wait, I think I
10 gave \$100 to a Democrat county commissioner in Pocatello
11 once. It's been a long time.

12 Q. Any others?

13 A. No, sir, that's all I can remember.

14 Q. Now, in preparing for your deposition today did
15 you examine any documents?

16 A. Yes, sir, I did.

17 Q. And what documents did you examine?

18 A. Well, I tried to go over everything -- I don't
19 know -- I tried to go over anything that could have been
20 related to problems that are presented to me, such as
21 messages or telephone logs or anything like that that
22 could be related.

23 Q. So, if I understand your testimony, you looked
24 at telephone logs?

25 A. Yes, sir, I have.

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1 Q. Would it be possible for you to produce those
2 telephone logs for us?
3 A. Yes, sir, it would.
4 Q. And why would that be a problem?
5 A. It's not a problem.
6 Q. Oh, it's not a problem.
7 A. No, sir, it's not a problem.
8 Q. So you can produce them for us.
9 A. Yes, sir, I can.
10 Q. Any other documents that you looked at besides
11 telephone logs?
12 A. Well, I looked at -- I think I looked at the
13 campaign -- I don't know what you call them, I didn't
14 fill them out, those things you have to send in, campaign
15 reports I guess you would call it, I looked at one of
16 those.
17 Q. You looked at one of those?
18 A. Well, yeah, it was really only one, I wanted to
19 look at it.
20 Q. Which one was that?
21 A. I think it had to do with the rent and the
22 car-truck payment, on the filing on that.
23 Q. Why was that the only one you wanted to look
24 at?
25 A. Well, because I thought I saw something where

1 they said that they wondered about rent, there was no
2 payment made for the use of the truck by the campaign
3 people, and I could not understand that, so I wanted to
4 see what was the matter there.

5 Q. Now, other than any documents, what else have
6 you done to prepare for today's deposition?

7 A. Well, I talked to my attorney about it, and I
8 talked to Sean about it. He didn't get in until one
9 o'clock last night on the plane, but I talked to him
10 about it. We talked this morning about it at my
11 attorney's office.

12 Q. When you talked to your attorney, was anyone
13 else present in the room?

14 A. Just Sean and Mr. Meyers and I.

15 Q. And other than your attorney and Sean, did you
16 talk to anyone else?

17 A. I mumbled to my wife a few times and talked to
18 myself a lot.

19 Q. And other than Sean and your attorney and your
20 wife, anyone else?

21 A. No, sir, I haven't talked to anybody.

22 Q. I know I asked you about any documents that you
23 looked at and you told me that you looked at one report.
24 Any other documents?

25 A. Well, I don't know, you know, if you call it

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1 documents. I tried to get everything in line so that
2 when you asked me a question and why I acted why I did or
3 something, I tried to get all this information ready, so
4 I don't know, you know, what a document is.

5 Q. Did you look at any pieces of paper?

6 A. Well, yeah, I got some papers, you know, to
7 show you and that if you want, if you feel it's pertinent
8 to show you, but, you know, this is a hard question to
9 say -- I looked at the summary that you sent me, one page
10 of things, but I didn't understand it anyway, so --

11 Q. Did anyone try to explain it to you?

12 A. Explain what to me?

13 Q. The summary that you said that you didn't
14 understand.

15 A. No, I didn't ask -- I mean we just tried to
16 figure it out, I tried to figure it out, and I talked to
17 Sean this morning about it and tried to figure it out,
18 and that was about it.

19 Q. I'd like to talk to you now about the draft
20 mcDevitt for Congress committee. Are you familiar with
21 the Draft McDevitt for Congress committee?

22 A. I am the Draft McDevitt for Congress committee.

23 Q. Why do you say that you are the --

24 A. I am the whole ball of wax.

25 Q. Now, what would that entail?

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1 A. Well, I felt that the country was going to
2 hell. We don't have any decent people in congress and we
3 just need somebody who is honest and who is intelligent
4 and who is patriotic and energetic and compassionate to
5 represent us in congress, and that's just why I felt that
6 Sean would be a good person for that, that he could --
7 that's what we need in congress, and this is why -- and
8 so I thought, hell, why not, why not this patriotic,
9 intelligent kid, why can't he --

10 MR. MEYERS: Let Mr. Reffner ask you the
11 questions and then answer his question fully, but let him
12 do the --

13 THE WITNESS: All right.

14 Q. Now, how did the idea for the draft committee
15 come up?

16 A. Well, you don't have to look at congress very
17 hard to feel like -- you look at the current Thomas
18 hearings, you look at people kiting checks, you look at
19 people stealing from savings and loans, you look at
20 people stiffing the meal tickets, you look at perks, you
21 don't have to look very hard to have an idea that we need
22 something better than that.

23 Q. When did you realize that it was Sean that you
24 wanted to run for congress?

25 A. Well, it would be the first of '89, he is the

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1 best one I thought, why not.

2 Q. You say the first of '89. Do you mean January?

3 A. Well, you think about things, you know, and
4 then finally got started, I think, in January of '89.

5 Q. And before you got started did you talk with
6 anyone about Sean's possible candidacy for congress?

7 A. Well, I talked to family members.

8 Q. Which of your family members did you talk to?

9 A. Well, this is a kitchen table type of a thing
10 with everybody sitting there, we just talked together,
11 talked to my wife, talked to, I don't know, if Jim was
12 home I talked to Jim, talked to Jim and Daniel and
13 Charlie, and we are a close family, you know, and just
14 talked things over.

15 Q. And what about Sean, was he there?

16 A. No, sir.

17 Q. Where was he at at this time?

18 A. He was in the army Rangers.

19 Q. And where would he have been located when he
20 was in the army?

21 A. I think he was in Seattle, Washington -- he was
22 in Fort Lewis, Washington.

23 Q. Now, were there any other people outside of
24 your family who wanted Sean to run for congress?

25 A. I can't think of anybody.

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1 Q. What might help you be able to think of
2 someone?

3 A. Well, I have no sinister person lurking in the
4 closet that was whispering things to anybody, and, like I
5 say, we are a close family and why not.

6 Q. So if I understand your testimony, the only
7 people that you discussed Sean's candidacy with at this
8 time were the members of your family?

9 A. Yes, sir.

10 Q. Now, why did you decide it was Sean who should
11 run rather than, say, one of your other sons?

12 A. Well, Sean is the oldest, I felt that -- and
13 Sean is, I think he was the freest at the time. He was
14 in the army, he couldn't do anything, but I felt he would
15 be a good candidate. He would be the best one in the
16 family to run.

17 Q. You say he was in the army and he couldn't do
18 anything. What do you mean by that?

19 A. Well, I don't know the law, so I had a hard
20 time finding out the law, but one way I understood the
21 Hatch Amendment, that he couldn't contribute to any
22 campaign being in the service.

23 Q. How did you go about finding out about the law?

24 A. How did I go?

25 Q. You said you had a hard time --

1 A. Well, I have to skip ahead. Do you want me to
2 skip ahead?

3 Q. Okay, we can always come back. Go ahead and
4 skip ahead.

5 A. I can even show you one of my famous documents.
6 Okay, I felt if I wanted to draft somebody, I could have
7 a draft campaign, whether or not they consented or not, I
8 could just as a constitutional right could have a draft,
9 draft somebody for congress. So I did this draft thing,
10 I did my draft thing, and then I thought -- in April
11 people kept saying about the Hatch Amendment, and I
12 didn't feel it had anything to do, but I didn't want to
13 cause Sean any embarrassment at the same time, so --

14 MR. REFFNER: Could I have the record reflect
15 that --

16 A. What's the record reflecting?

17 MR. MEYERS: Go ahead.

18 A. Anyway, this thing ran from about -- the Draft
19 McDevitt for Congress ran from January to about April.
20 And I didn't know. Here is a document. This is a log I
21 kept, a journal I kept. I'll go through it for you and
22 you can take a look at it. So I thought, well, I better
23 find out about the election laws and I better find out
24 what about this Hatch stuff, you know, what does it
25 entail. So on the 25th of May, 1989, I called up on the

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1 information on the election laws to Sally at Senator
2 Symms' office. And Sally called Penny at the Idaho
3 Secretary of State's office, and she called back, and she
4 suggested I call directly to the FEC office.

5 So I called FEC 1-800-424-9530 on the 25th of
6 May, 1989, and I talked to Janice Hadis, H-a-d-i-s, I
7 think. And I talked about the brochures that I had
8 printed up and that I had exceeded a thousand dollars,
9 and I mentioned that my son was in the army that I was
10 trying to draft, and I talked about -- and I asked about
11 the law regarding the draft movement. And I gave her my
12 address for registration purposes, I guess she asked
13 that.

14 And I told her I had been trying to draft him,
15 and I asked her if I had done anything wrong, and I told
16 her I didn't want to do anything -- I don't want to do
17 anything illegal, I want to do everything aboveboard. So
18 she gave me a number to call regarding the Hatch Act. So
19 I called 1-800-872-9855, and I talked to a Ms. Evans, and
20 she was going to call me back.

21 And I got another number, I called
22 202-653-7143, and I talked to Janet Masters, and she said
23 she doesn't deal with the military, she only deals with
24 civilians, and she suggested that I contact the military,
25 but she didn't know who to call. But as far as civilians

1 are concerned, she says they cannot actively get engaged
2 in campaigning either directly or indirectly, and I
3 thought that she thought they were going to change the
4 law or anything, but, anyway, I didn't write that down.

5 So on May 30 -- I thought about this, and I
6 thought considering the above, until better information
7 can be obtained from the military, I have got to stop all
8 activities in the draft committee.

9 Then on the 5th of June, 6-5-89, I called
10 Mountain Home Air Force Base, that's at Mountain Home,
11 Idaho, up here, and I talked to the JAG officers -- is
12 that the right word? -- but I didn't get his name, and
13 he said that an active military person could not seek
14 office and we should report any such behavior on his
15 behalf and tell the people who were doing the draft not
16 to do it. Do you want to look at this that I read from?

17 Q. Now, this document that you have just read
18 from, did you prepare this?

19 A. Yes, sir.

20 Q. And when did you prepare it?

21 A. When I did it.

22 Q. Did you do this all at one time?

23 A. Well, I did it a couple of different dates, it
24 was, you know, a note pad there.

25 Q. So is there another journal or any other paper

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1 that you might have taken notes on other than this one?

2 A. No, sir -- well, about this?

3 Q. Yes.

4 A. No, sir, that's all.

5 Q. So this is the only one that contains your
6 notes about the draft committee?

7 A. Yes, sir, that's all I can think -- well, there
8 is some notes about the stuff I got left over and stuff
9 like that, you know. I mean, you know, like brochures I
10 got left over and stuff like that.

11 Q. Now, according to your reading from this note
12 right here, you called someone in Senator Symms' office.

13 A. Yes.

14 Q. What prompted you to call Senator Symms'
15 office?

16 A. That's the only people I really knew.

17 Q. I mean what prompted you to even make the phone
18 call at all?

19 A. Well, I am not sophisticated in political
20 things, and I thought they would know.

21 Q. Well, what made you question your activities at
22 this time?

23 A. Well, I didn't want to embarrass Sean.

24 Q. What would make you think that you were going
25 to embarrass Sean?

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1 A. Well, just people called, people kept saying,
2 well, maybe it wouldn't be legal to draft him because he
3 is in the army, so I didn't want to embarrass him, he is
4 my son.

5 Q. Who was saying this to you?

6 A. Just people you would meet, there was nobody in
7 particular; I didn't get any call from anybody, sir.

8 Q. Do you remember any of the names?

9 A. No, sir.

10 Q. And in what context would they have --

11 A. They'd look at the brochure and they'd say what
12 he is doing now, and I'd say he is in the army, and
13 they'd say, well, can he do this, and I'd say, well, this
14 is a draft movement, it's sort of like the guy trying to
15 draft Norman Schwarzkopf in April or something.

16 Q. Now, as I understand your testimony, your
17 primary concern about your activities and embarrassing
18 Sean concerned the Hatch Act?

19 A. Yes, sir.

20 Q. Do you know what the Hatch Act entails or what
21 it provides?

22 A. Well, no, and it looks like people in the FEC
23 don't know too well either, but it just has to do -- you
24 know, mostly I thought it had to do with the post office,
25 but, you know, some people -- if you are in the

1 government -- I don't know, are you in the Hatch Act?

2 MS. KLEIN: We can go off the record on this
3 one.

4 (Discussion off the record.)

5 A. Anyway, you know, it's something that has to do
6 with something or other, if you are working for the
7 government, you are not supposed to run for office or
8 something.

9 Q. Was there any other concern other than the
10 Hatch Act about your activity?

11 A. Well, I wasn't feeling too good.

12 Q. You mean you were physically unwell?

13 A. Yes.

14 Q. You were sick?

15 MR. MEYERS: Explain that to them.

16 A. Okay, in May -- this is sort of embarrassing.
17 In December of '88 I had a hernia operation, and at the
18 time of the operation he found cancer. So on the 27th of
19 December of '88 I had to have a cancer operation. So
20 it's hard to be too active campaigning when you can't
21 hold your water too well. I have operative reports if
22 you want to see them.

23 MS. KLEIN: We can deal with documents at a
24 later point.

25 MR. MEYERS: I think you need to explain to

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1 them, and I am guessing as to what they want, that when
2 you finally met with Sean on the draft and in the letter
3 that Sean wrote to you --

4 MS. KLEIN: We'll get there; we'll meander, but
5 we'll get there.

6 Q. (By Mr. Reffner) Now, you made a telephone
7 call to Senator Symms' office, and then eventually you
8 ended up calling the Federal Election Commission. And
9 you stated that you told someone at the Federal Election
10 Commission that you had some brochures?

11 A. Yes, sir.

12 Q. Could you describe those brochures?

13 A. I can show you one.

14 Q. We can take care of it later, if you could just
15 describe it now.

16 A. It's just a little brochure, it's a one-page
17 thing that you fold up, and it's a Draft McDevitt for
18 Congress.

19 Q. And when you say it's a little brochure, can
20 you give me an approximation of the size, is it the size
21 of a magazine?

22 A. Can I look at it?

23 Q. Sure.

24 A. It's that size (indicating), it's a single
25 paper.

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1 Q. Who produced this?
2 A. I did.
3 Q. Did you write it?
4 A. Yes, sir.
5 Q. And who printed it?
6 A. Litho Printing, sir.
7 Q. How many did you have printed?
8 A. We had, oh, 25,000, I think, sir.
9 Q. Would it have been more than 25,000?
10 A. No, sir, it would not have been more than
11 25,000. I had 5,000 on January 17, 1989, 10,000 on
12 February 17, 1989, and 10,000 on March 20, 1989.
13 Q. And you had no others printed after March of
14 1989?
15 A. No, sir, I did not.
16 Q. Now, when you wrote this, did anyone assist you
17 in writing it?
18 A. No, sir.
19 Q. You wrote it all on your own.
20 A. Yes, sir.
21 Q. Did anyone review it after you wrote it?
22 A. No, sir.
23 Q. So if I understand your testimony, you were the
24 only person involved in writing and creating this?
25 A. Me and the printers, sir.

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1 Q. Now, you also said that when you spoke with
2 someone at the FEC you told them that your contributions
3 or your expenditures exceeded a thousand dollars.
4 A. Yes, sir.
5 Q. What was the time that you called the FEC?
6 A. What time was it?
7 Q. Yes.
8 A. Well, I called them May 25, 1989.
9 Q. What was the significance to you of a thousand
10 dollars?
11 A. Well, I thought you had to spend \$5,000 in
12 order to have to report anything, but I guess the lady
13 said probably I had to pay \$1,000 -- she wanted to know
14 how much I had been spent, had I spent over \$1,000, and I
15 said I had.
16 Q. Now, you stated the figure of \$5,000.
17 A. Yes, sir.
18 Q. What was the significance of \$5,000 to you?
19 A. Well, I thought in order to register or
20 something you had to spend \$5,000.
21 Q. How did you come to know that \$5,000 --
22 A. I guess it had come from some reading or
23 something that the Federal Election -- I think I sent for
24 something on rules or regulations or something, and the
25 way I interpreted it was \$5,000.

1 Q. And when did you send for this information?

2 A. Well, I thought a draft thing, I can't remember
3 exactly when I -- I don't have a record of it, sir, when
4 I sent for that; it probably would have been sometime the
5 first of '89.

6 Q. So, again, in January of '89.

7 A. Somewhere in there probably, yes, sir.

8 Q. Could it have been before then?

9 A. I don't remember it, I don't remember, sir,
10 unless you had some record that I wrote sooner.

11 Q. Is there anything that might help you remember?

12 A. Kick me in the head or something, if you have
13 got a shock prod or -- I guess you have ways of getting
14 it out of people.

15 Q. Was it before your hernia operation that you
16 wrote --

17 A. I don't know, I don't know; I can't remember,
18 sir. I might have, I don't know, sir.

19 Q. Now, you also said that you called the
20 military.

21 A. Yes, sir.

22 Q. Someone in the military. Why did you call the
23 people in the military?

24 A. Because nobody in the FEC knew anything about
25 it.

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1 Q. Do you remember the name of the person you
2 talked to?

3 A. In the military?

4 Q. Yes.

5 A. Well, no, I told you here I called Mountain
6 Home Air Force Base on June 5 and talked to the JAG
7 officer, and I didn't get his name.

8 Q. Now, when you talked to the JAG officer, you
9 don't remember his name?

10 A. No, sir, that's what I wrote down here. We are
11 talking three years ago, you know, sir, we are talking
12 three years ago.

13 Q. Almost three years, yes.

14 A. Right.

15 Q. What did he tell you about your activities, the
16 draft committee?

17 A. I called Mountain Home Air Force Base on June
18 5, 1989, and I talked to the JAG officer. I didn't get
19 his name. And he said that an active military person
20 could not seek office and should report any such behavior
21 in his behalf and to tell the people that are doing it
22 not to do it.

23 Q. Now, what were the draft committee's sources of
24 financial support?

25 A. Well, the sources of support, I guess, I'll

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1 have to take a look. I and my wife and a couple of the
2 kids, and that was it.

3 Q. And nobody outside of your family provided any
4 support?

5 A. No, sir.

6 Q. No financial support?

7 A. No, sir.

8 Q. What about volunteer support?

9 A. We had a few, a couple of ladies volunteered.
10 Mostly I did.

11 Q. How many?

12 A. How many what?

13 Q. Volunteers.

14 A. Well, for a while -- well, mainly one or two.

15 Q. Would it have been more than two?

16 A. I don't remember more than two. You have to
17 remember there wasn't an awful lot here. This thing ran
18 from about January to April, and we didn't send out that
19 much stuff. I mean I bought 25,000 brochures, but we
20 didn't send out that many brochures. I have got a list
21 of what we have got left over, if you are interested.

22 Q. We can take care of the documents and lists
23 later.

24 A. Okay.

25 Q. Do you remember the names of these volunteers?

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1 A. I think one was Janet Blake. Her husband was a
2 soldier with me in Korea, and he died. She lived in town
3 here, we went to school together. And another was a lady
4 I knew, Edith Lintner, L-i-n-t-n-e-r, I think.

5 Q. Any others?

6 A. No, that's about it.

7 Q. Did you have any paid employees on the
8 committee?

9 A. No, sir.

10 Q. Now, why didn't you seek support from anyone
11 outside the family, I mean financial assistance?
12 According to your testimony you stated --

13 A. Well, we sent a thing on the brochure, I think,
14 if people wanted to send some money, they could send it
15 to us.

16 Q. And did anyone send you money?

17 A. No, sir. I got a nasty letter, though. We
18 didn't get no money.

19 Q. Do you recall what that letter said?

20 A. It was an anonymous letter or something that
21 was probably meant for somebody else. I didn't keep it,
22 I chucked it.

23 Q. You threw it away?

24 A. Yes, sir.

25 Q. Now, did you have a goal when you started the

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1 draft committee?

2 A. Well, my goal was to get Sean's name around,
3 was the goal, and then if he could get out of the army
4 and run for congress, to get him elected to congress.

5 Q. What about a financial goal in terms of raising
6 contributions?

7 A. Well, I don't know if you want this on the
8 record, but I thought people, anybody could run for
9 congress and all you had to get out and do is shake
10 people's hands and tell them the way you thought and you
11 could run for congress and that was what it took to be
12 elected to office.

13 Q. How much money did the draft committee raise?

14 A. It raised four thousand something, I think you
15 have it. That's the money we spent, I don't know.

16 MR. MEYERS: Counsel, a report has been filed
17 on that committee.

18 MR. REFFNER: I just wanted the respondent to
19 state it for the record.

20 A. I'd have to look it up for you.

21 Q. Now, was this, the amount that you stated, four
22 thousand some odd thousand dollars, was this what your
23 goal was, were you seeking more money from this?

24 A. Well, I hadn't thought about money, to tell you
25 the truth, I hadn't thought about money at all, I just

1 thought we could get the little brochures and send them
2 around and talk to folks, that's what I thought. Sort of
3 dumb, huh?

4 Q. Money didn't enter your --

5 A. No, sir.

6 Q. Now, how much did each contributor give?

7 A. I'd have to take a look, sir.

8 Q. Do you remember?

9 A. Well, \$2,000 from me and my wife and, you know,
10 the kids, I would have to take a look, but that's the way
11 we had it figured.

12 Q. When you say that's the way we had it figured,
13 who is "we"?

14 A. I mean that's the way I think I reported it,
15 sir.

16 Q. Who decided that \$2,000 was the amount that --

17 A. I thought you could only -- I thought somehow
18 that each person could only contribute \$2,000. I don't
19 know how much you can contribute. I saw this article on
20 Norman Schwarzkopf, and they said you can do any amount
21 you want for a draft committee, but somehow I thought
22 that you should probably only put \$2,000 in apiece,
23 that's how I thought. So I don't know how much you can
24 contribute, to tell you the truth, for a draft type of
25 thing. But at the time I think I thought, well, every

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1 person could probably only contribute \$2,000.

2 Q. Do you remember which members of your family
3 contributed with you and your wife to the draft
4 committee?

5 A. Well, I think it was Charlie and Daniel and
6 Jim, I am not sure, I think that was how it went, and my
7 wife.

8 Q. Now, did they also contribute \$2,000?

9 A. Well, this is a family type thing, you sit down
10 with the family, and, well, we are going to run old Sean
11 and try and get him drafted, and we are going to have to
12 get some brochures and stuff printed up. And so I
13 thought I could only spend \$2,000 -- I guess I am wrong,
14 I could have spent all I want. But, anyway -- and they
15 wanted to get in on the action, so we would put them down
16 for the money, for the \$2,000 or something that they
17 would contribute.

18 Q. Now, your sons Charles and Daniel and Jim, were
19 they employed in 1989?

20 A. No, I don't think so. Mostly they were
21 students at the time, I think. Charlie was four years in
22 the border patrol on the Mexican border, and then he was
23 out at the time and he was going to the University of
24 Idaho, I think.

25 Q. The money that they gave, did you reimburse

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1 them for their contributions to the draft committee?

2 A. Well, this is a family type thing and the money
3 actually -- did they actually at the time give me \$2,000
4 and say, Pop, put this in the draft committee? No, they
5 did not. It was one of those family things, you sit at
6 the table, okay, you guys, if you want to contribute to
7 this thing, you are going to have to ante up. I have
8 been sending you \$75 every two weeks or something for
9 college, you are not going to get that for a while. We
10 have got work to do over -- I have a personal piece of
11 property that we have got to have the fencing and we
12 maybe have to -- you know, other than that, that was
13 about the size of it, sir.

14 Q. So if I understand your testimony, they did not
15 actually give any money to the draft committee.

16 A. They gave me back some little money from time
17 to time, but no, they did not write out a check and say
18 here is \$2,000, Pop.

19 Q. Now, was that money, the money that was given
20 to the draft committee, did it all come from you, then?

21 A. It would be about most of it, me and my wife.
22 There wasn't really a draft committee, sir, you know,
23 but, okay, that's right, you are on target.

24 Q. Where did you get the money?

25 A. Where did I get the money? Well, I hate to

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1 throw out four letter words, but I worked for it.

2 Q. Did you get it from your savings, did you get
3 it from --

4 A. I got it from savings, yeah, things like that.

5 Q. And did the draft committee have a bank
6 account?

7 A. No, sir.

8 Q. It didn't.

9 A. No, sir.

10 Q. How were you able to transfer the money --

11 A. I didn't, there was no formal organization,
12 sir, I just went and paid the money, I just ordered the
13 brochures -- see, we only had two payments, really, that
14 I can think of, the brochures and the postage, and I just
15 paid it from my personal funds.

16 Q. So, for example, when you ordered the brochure
17 from the printers and you had to pay the printers --

18 A. Yes, sir.

19 Q. -- you paid them from your checking account; is
20 that right?

21 A. Personal account, yeah. I don't know whether I
22 paid cash or check.

23 Q. And you say you don't remember whether you paid
24 cash or check. Do you have any records?

25 A. I only have the record from Litho Printers that

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1 I paid.

2 Q. Would that record show whether you paid by cash
3 or check?

4 A. I don't know, I would have to take a look at
5 it.

6 Q. Did you write any checks like for the postage?

7 A. Yeah, I wrote a check for the postage.

8 Q. Which bank account did that come from?

9 A. It would come from my personal account, I think
10 so.

11 Q. Where is your personal account at?

12 A. First Security Bank.

13 Q. And that bank is located here in Pocatello?

14 A. Yes, sir.

15 Q. Do you have personal bank accounts at any other
16 banks?

17 A. No, sir.

18 Q. What about your medical practice?

19 A. What about it?

20 Q. Does your medical practice keep a bank account
21 at First Security Bank?

22 A. Yes, sir.

23 Q. Do you know your bank account number, personal
24 bank account number at First Security Bank?

25 A. Yes, sir, I do.

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1 Q. And could you provide us with that number?
2 A. 04 -- wait, I can't --
3 Q. It's okay if you don't remember.
4 MS. KLEIN: I couldn't tell you mine.
5 Q. Could you provide us with the checks that you
6 wrote for the draft committee?
7 A. No, sir, I didn't look them up. I could
8 probably find them, but I didn't get those, sir.
9 Q. You said that the draft committee didn't
10 operate on a formal basis. Was there an address for the
11 draft committee?
12 A. I think I used that 4260 on the return there,
13 Post Office Box 4260, for if anybody wanted to send any
14 money.
15 Q. Did you set this post office box up for the
16 draft committee?
17 A. No, sir, I had that.
18 Q. And what else do you use that post office box
19 for?
20 A. Little Red Hen uses that one, Little Red Hen
21 Corporation uses 4260 also.
22 Q. Now, during your work or your activities
23 drafting Sean, did you do all of your work at home?
24 A. Yes, most of it I did at home, yes.
25 Q. Would there have been anywhere else where you

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1 may have worked?

2 A. No, that's about it, at home, I guess. I don't
3 know, my office might have called these numbers because
4 this is a -- I might have called it from my medical
5 office, some numbers and stuff like that, I don't know,
6 you know. At home some people, they helped me stuff
7 brochures a couple of times, may have dropped the
8 brochures off at my medical office.

9 Q. Other than your home or your medical office,
10 anywhere else you may have worked?

11 A. I can't think of anything, sir.

12 Q. Going back to your personal bank account, who
13 had authority over this bank account?

14 A. Who had authority?

15 Q. To write checks.

16 A. Myself and my wife.

17 Q. Now, the money that you received, the money
18 that the draft committee had, what were all of the uses
19 of that money?

20 A. Two uses: One, to buy the brochures and
21 envelopes and the other is to pay postage.

22 Q. And there were no other expenditures?

23 A. No, sir.

24 Q. Now, what about the mailbox, was there a
25 monthly charge for using the mailbox?

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1 A. Well, yes, there would be a monthly charge,
2 yeah.

3 Q. Do you know how much that was?

4 A. No, sir, I don't, but, like I say, I didn't use
5 it because I only got one nasty letter. I don't know
6 what they charge for nasty letters, but it can't be
7 enough.

8 Q. Did the draft committee ever pay the Little Red
9 Hen for the use of the mailbox?

10 A. No.

11 Q. For the nasty letter or for anything else.

12 A. No, sir, it didn't.

13 Q. I may have asked you this before, but in
14 January, 1989, where did Sean live?

15 A. Boy, I think he was in Fort Lewis, Washington,
16 sir.

17 Q. Do you know his address there?

18 A. Well, he was in the Rangers.

19 Q. Is that meaning he was in the army?

20 A. Well, it is an elite special force that we have
21 and they are called the Rangers and they are mean and
22 they went into Panama and they were the striking edge and
23 when they have trouble in this country, they call out the
24 Rangers and he was a United States Ranger, and so is my
25 other son Jim, the youngest boy is a Ranger, too.

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1 Q. Did Sean live on a military base at this time?

2 A. Yes, sir. I don't know if he lived on the base
3 or off the base, I can't remember for sure, sir. He
4 might have had an apartment off the base.

5 Q. Do you remember what the address of the
6 apartment --

7 A. No, sir, I don't.

8 Q. Was Sean married at this time?

9 A. No, sir, he wasn't.

10 Q. Is Sean married now?

11 A. Yes, sir, he is.

12 Q. And when did he get married?

13 A. He got married in June of '89.

14 Q. And what is his wife's name?

15 A. His wife's name is Rebecca, I think it's
16 Rebecca.

17 Q. And when did Sean -- how long did Sean live at
18 Fort Lewis?

19 A. He lived at Fort Lewis until he got out of the
20 army. I don't know, see, he went to West Point and then
21 he went to Ranger school, and then he was in the
22 demilitarized zone in Korea and he extended over there
23 for extra time, and then he came back and he was in the
24 Rangers, and then he finished his career at Fort Lewis.

25 MR. MEYERS: I think if you asked him directly,

1 Mr. Reffner, you will find out that's his home base and
2 from there they send him out to the other places, it's
3 not like you and I have a residence.

4 Q. Did Sean move back to Pocatello after --

5 A. Sounds like a native Pocatellan. When did he
6 move back?

7 Q. That's what I am asking you, when did he move
8 back.

9 A. Oh, he got out of the army -- okay, we went
10 into Panama, he spearheaded into the Panama invasion, and
11 that was just before Christmas of '89, and then he was
12 due to get out of the army on the first of January of
13 1990, or the end of December or something, so he didn't
14 have to go to Panama, and his commander called him and he
15 said you are going to get out of the army, you don't have
16 to go into Panama. And he said, Sir, I planned this
17 operation, he says, I have trained these people in this
18 operation, he says, I am going into Panama. So he went
19 into Panama on the invasion. And then a few days later
20 when things cooled down, they sent him back to be
21 discharged from the army.

22 They got him out of Panama, he went into Fort
23 Benning, Georgia, where the command post for the Rangers
24 are. His people were isolated, his Rangers were cut off,
25 they didn't have any cigarettes, they didn't have any

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1 soap, they didn't have anything like that. So he went in
2 to the commander, what was left at Fort Benning, and he
3 said, look, you have got to take care of my people. So
4 they went down and they bought out almost an entire
5 K-Mart store and he helped load them on the planes for
6 Panama.

7 MR. REFFNER: Can we take a break.

8 (Short recess.)

9 MR. REFFNER: Back on the record.

10 Q. Now, before we broke you were telling us about
11 Sean's involvement in the military and in Panama. Could
12 you tell us when he was finally discharged from the army?

13 A. I think at the end of December.

14 Q. End of December, and that would be December of
15 '88?

16 A. Of '89.

17 Q. December of '89?

18 A. I think either January 1 of 1990 or December 31
19 of '89, I am not sure, you can ask him.

20 Q. And do you know what he did when he was
21 discharged?

22 A. He came home.

23 Q. Meaning --

24 A. To Pocatello, Idaho, he came to Pocatello,
25 Idaho.

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1 Q. And during the time he was in the army and he
2 was at Fort Lewis, did you visit him?
3 A. I think I visited him one time.
4 Q. Would you have visited him more than one time?
5 A. No, once, sir.
6 Q. Just one time.
7 A. Yes, sir.
8 Q. And you went to Fort Lewis.
9 A. Yes, sir.
10 Q. Did Sean visit you in Pocatello?
11 A. No, sir, I don't -- well, you know, he came
12 home on leave once in awhile and everything. He didn't
13 come home in '89, though.
14 Q. Sean didn't come home in 1989 at all?
15 A. No, sir. He didn't come to Idaho, to Pocatello
16 anyway.
17 Q. Now, when you visited Sean at Fort Lewis, when
18 was this?
19 A. I think it was probably the spring of '88, but
20 I am not sure, sir.
21 Q. Is there anything that might help you remember?
22 A. When he got back from Korea -- well, I don't
23 know what -- I know we went up there, but I can't
24 remember the date, sir.
25 Q. When you say "we" --

1 A. My wife and I.
2 Q. Did you meet with Sean anywhere outside of
3 Pocatello, I mean might you have met Sean for a vacation
4 somewhere?
5 A. When?
6 Q. 1989.
7 A. Yes, sir.
8 Q. Where did you meet?
9 A. We met at West Point, New York.
10 Q. And why did you meet in West Point?
11 A. He was getting married.
12 Q. And when was this?
13 A. June 16, 17, somewhere in there.
14 Q. And were there any other visits that you had
15 with Sean during 1989?
16 A. No, sir.
17 Q. And how long were you in West Point?
18 A. Two days, I took off two days, yes, probably
19 two days.
20 Q. Did you have any telephone conversations with
21 Sean in 1989?
22 A. Well, not very many because he was out of
23 touch.
24 Q. You say not very many. How many do you mean?
25 A. Maybe three or four or so.

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1 Q. Three or four telephone conversations for the
2 whole year?

3 A. Yes, sir, maybe more, I don't know.

4 Q. Would it have been ten conversations for the
5 whole year?

6 A. Well, sir, he was out of touch, you couldn't
7 get him.

8 Q. So who would initiate the telephone call?

9 A. Well, I would try to call him and then I
10 couldn't get him, and then I tried to call the Ranger
11 battalion and they would say he is gone. And then he
12 would call back, maybe a few days later he would call
13 back and say, hi, I am home.

14 Q. So, in other words, he would return your calls.

15 A. I think he tried to, yes.

16 Q. Now, during your telephone calls with Sean did
17 the subject of running for congress ever come up?

18 A. Very seldom, no, very seldom.

19 Q. What do you mean by very seldom?

20 A. Well, I told him I was going to run him for
21 congress, and he sort of laughed, and he didn't -- I
22 couldn't have anything to do with it because he was in
23 the military.

24 Q. Let's go back to the telephone conversations.
25 You said you had three or four telephone conversations.

1 Do you remember the dates those conversations were on?

2 A. No, I don't know how many conversations I
3 really had with him, you know. We tried to keep in touch
4 when we could, but it was a very busy year for him and I
5 couldn't get him very often.

6 Q. Now, the telephone conversations that you had
7 when you told him that you were going to get him to run
8 for congress, do you remember when that conversation
9 occurred?

10 A. I don't know whether -- it probably occurred in
11 late '88 or the first of '89.

12 Q. Again, was it before you went into the
13 hospital?

14 A. I don't remember, sir. You are looking at
15 three or four years now.

16 Q. And what did Sean say to you when you told him
17 that you wanted to draft him for congress?

18 A. Well, he didn't know, he didn't know. He
19 couldn't do anything because he was in the army, he
20 didn't know if he would be able to get out of the army,
21 didn't know if he wanted to get out of the army.

22 Q. When you say he didn't know, he didn't know
23 what?

24 A. I say he didn't know -- he couldn't do
25 anything, he was in the army, he didn't know if he could

1 get out of the army.

2 Q. So, in other words, when you told him that you
3 wanted him to run for congress, he told you he didn't
4 know what he could do.

5 A. That's right.

6 Q. And when he said that he didn't know what he
7 could do, did he give you a reason?

8 A. Well, he was in the army and he didn't know if
9 he could get out of the army to run.

10 Q. Did he tell you that he would run when he got
11 out of the army?

12 A. He would see how things were looking and if he
13 could, he probably would.

14 Q. That he would probably run?

15 A. Well, yeah, he didn't know, he didn't know for
16 sure until, you know -- he didn't know if he was going to
17 get out of the army.

18 Q. Did he tell you anything about the draft
19 committee?

20 A. He didn't participate in it, he didn't do
21 anything with the draft committee, sir. We didn't
22 discuss the draft committee, we didn't do anything with
23 the draft committee.

24 Q. Well, when you told him that you wanted him to
25 run for congress, did you tell him that you were printing

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1 up brochures?
2 A. Yes, sir.
3 Q. And what did he say?
4 A. He says he just didn't want to have anything to
5 do with it.
6 Q. Did he say he didn't want to have anything to
7 do with it?
8 A. Well, he said he didn't think he could have
9 anything to do with it, I suppose that's what he said.
10 He didn't have anything to do with it.
11 Q. Did he tell you to stop what you were doing?
12 A. Yes, sir.
13 Q. Did he tell you that during the telephone
14 conversation?
15 A. No, sir.
16 Q. When did he tell you to stop what you were
17 doing?
18 A. In June of 1989.
19 Q. Did you send one of the brochures to Sean?
20 A. I can't remember.
21 Q. Do you have a mailing list of people you sent
22 the brochures to?
23 A. No, we just had a -- no, I don't, sir, no.
24 Q. Well, when you talked to Sean about the
25 brochure, I mean could you tell me a little about what

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1 you talked about?

2 A. Well, I can't -- you know, like I say, looking
3 at three years here, I can't really remember talking to
4 him at all about the brochure. I may have said, you
5 know, I am making up these brochures, but he didn't --
6 that's it.

7 Q. When you made up the brochure, all of the
8 information in the brochure, did you have knowledge of
9 that?

10 A. Yes, sir.

11 Q. Did you call and talk to Sean and ask him any
12 questions that might help you in completing the brochure?

13 A. No, sir, I can't remember doing that.

14 Q. Other than Sean, did you have any phone
15 conversations with anyone else where you stated that you
16 wanted Sean to run for congress, other than your family
17 members?

18 MR. MEYERS: If you remember.

19 A. I don't remember, no.

20 Q. Now, before you went to West Point you had this
21 phone conversation that we have just been discussing with
22 Sean; is that right?

23 A. What phone conversation, sir?

24 Q. The phone conversation where you told Sean that
25 you wanted him to run for congress.

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1 A. That was probably -- yes, that was in '88 or
2 '89.
3 Q. Would it have been early in '89?
4 A. Well, it would have had to have been pretty
5 early in '89.
6 Q. When you went to West Point, did you talk to
7 Sean about the draft committee then?
8 A. Yes, sir.
9 Q. And what did you talk about?
10 A. Well, I talked about what I had talked to the
11 FEC about, what I had talked to the JAG people about in
12 Mountain Home.
13 Q. And did you talk to Sean about anything else
14 about the draft committee?
15 A. That was about it.
16 Q. What did Sean tell you about the draft
17 committee at that time?
18 A. Well, we went to see a JAG person at West Point
19 about it.
20 Q. And what happened during that visit?
21 A. Well, I wanted to know whether it was legal or
22 not and things like that.
23 Q. And when you went to visit the JAG person, who
24 was it --
25 A. I didn't get his name.

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1 Q. What I was going to ask, was it you and Sean --
2 A. Yes, sir.
3 Q. Did anyone else go?
4 A. No, sir.
5 Q. When you talked to this JAG person, did they
6 identify themselves as a lawyer?
7 A. Yes, sir.
8 Q. Was there anyone else present in the room
9 during your visit?
10 A. No, sir. He was a reserve officer.
11 Q. And you say that you went to find out whether
12 the draft committee was legal or not?
13 A. Yes, sir.
14 Q. What was your impression at that time about the
15 draft committee?
16 A. My impression, that I could do whatever I
17 wanted as a citizen.
18 Q. When you were at West Point visiting Sean, did
19 Sean tell you about running for congress?
20 A. Well, I talked to him about the draft committee
21 and we went to see -- you know, and he didn't know, you
22 know, what was going on or anything. And so we went to
23 see -- I said, well, I thought, you know, it's a good
24 idea, so we went to see the JAG officer.
25 Q. And during your visit there at West Point did

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1 you ask Sean whether he was going to become a candidate?

2 A. Well, I don't know if I said exactly that, you
3 know. I implied, I told him that I would like him to
4 run, to be a candidate, I wanted him to be a candidate, I
5 thought he would be a good candidate.

6 Q. And what did he say?

7 A. Well, he didn't know, he didn't know if he
8 could get out of the army, and so I suppose he thought --
9 I don't know, if he could get out of the army or when he
10 got out of the army, that might be something for him to
11 do, I guess, like General Eisenhower.

12 Q. Did he say he'd run for congress when he got
13 out?

14 A. We didn't discuss any political strategy or
15 campaign strategy or anything like that.

16 MR. MEYERS: If I might interject. I think you
17 need to understand what the purpose was, first, of the
18 visit back to West Point and what the major substance --
19 and you can ask him these questions. The major substance
20 was Sean was getting married. The questions you are
21 asking him about are only a minor, minor point of the
22 entire trip. I don't mean to interrupt your deposition
23 or anything, but you are belaboring a minor point of the
24 entire trip.

25 Q. How long was your visit with the JAG officer?

1 A. Probably a half hour or so.

2 Q. Did he advise you on what to do about the draft
3 committee?

4 A. Yes, sir.

5 Q. And what did he advise you to do?

6 A. He didn't think it was a good idea.

7 Q. Did he give you any other advice?

8 A. No, he just said try to keep as good a record
9 as you can because the FEC is going to come after your
10 ass.

11 Q. Were those the words he used?

12 A. Well, those are my words. This is two and a
13 half years ago, sir.

14 Q. Did he suggest that you contact the Federal
15 Election Commission?

16 A. No, sir.

17 Q. Did he give you any other suggestions?

18 A. No, that was just about it, sir.

19 Q. Going back to your telephone conversations with
20 Sean, did you ever discuss during those phone
21 conversations in 1989 the politics that were going on in
22 the congressional district here?

23 A. Might have.

24 Q. What else might you have discussed with Sean?

25 A. Well, Sean is my son and I love him very much,

1 I love all of my children very much, and I try to keep in
2 contact with them and I want to know how they are getting
3 along and what's happening. This is what the
4 conversations were about, sir.

5 MR. REFFNER: I would like to introduce a
6 document for the court reporter to mark as FEC Exhibit
7 No. 1 and give to Dr. McDevitt.

8 (FEC Deposition Exhibit No. 1 marked for
9 identification.)

10 Q. Doctor, could you take a look at that letter
11 and could you identify that?

12 A. Yes, sir.

13 Q. What is that letter?

14 A. That's a letter to me from Sean.

15 Q. What was the purpose of this letter?

16 A. Well, this is after we went to see the JAG
17 officer at West Point and the person said to just put an
18 end to the movement once and for all.

19 Q. Did the JAG officer suggest that Sean write
20 this letter?

21 A. No, sir.

22 Q. Do you know if it was Sean who wrote this
23 letter?

24 A. Yes, he wrote the letter.

25 Q. Do you know when he wrote it?

15 4 3 6 2 2 6

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1 A. Yes, he wrote it the 15th of June, 1989.

2 Q. Were you present when he wrote this letter?

3 A. I don't know whether I was present or not; I
4 don't know, sir.

5 Q. When did you receive this letter?

6 A. I don't remember, sir; I received it in June of
7 '89.

8 Q. Did you receive it by mail?

9 A. I don't know whether I received it by mail or
10 whether he just handed it to me, I don't recall.

11 Q. So if he handed it to you, it would have been
12 at West Point.

13 A. Yes, sir.

14 Q. And what did you do when you received this
15 letter?

16 A. I just put it in my pocket in the file.

17 Q. Did you call or talk to Sean?

18 A. No, sir, I didn't talk to him at all about it.
19 We went to see the JAG officer and I talked to them,
20 probably mentioned about the conversation I had with the
21 JAG officer from Mountain Home.

22 Q. Did you know that you would be receiving this
23 letter?

24 A. Did I know? I don't know whether I -- I am
25 glad I did.

1 Q. Did you expect to receive it?

2 A. I don't remember, sir.

3 Q. So if I understand your testimony, you don't
4 remember when you received this letter, you don't
5 remember --

6 A. I think I got it in June -- I know I got it in
7 June of '89, and I know -- and we sort of discussed this
8 back at West Point when I talked to the JAG officer, but
9 that's the size of it.

10 Q. And after you received this letter, when was
11 the next time you talked to Sean?

12 A. I guess when he got back from his honeymoon,
13 probably, I might have called him.

14 Q. When would that have been?

15 A. End of June, first of July, sometime like that.

16 Q. And what did you talk about at that time?

17 A. Well, we talked about his honeymoon.

18 Q. Did you talk about the letter?

19 A. Didn't talk about the letter and the election.

20 Q. If I could go back for a minute, I wanted to go
21 back to your conversation with Sean where you told him
22 that you wanted to draft him for congress. Do you know
23 whether that was the first time Sean had ever heard about
24 your activities or your desire to draft him for congress?

25 A. Probably, sir. You are looking at three years,

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1 you know.

2 Q. I realize that, Dr. McDevitt.

3 MR. MEYERS: Excuse me, Dr. McDevitt, answer
4 his questions but don't guess or speculate on your
5 answers. If you know the answer, tell him the answer,
6 and if you don't, don't.

7 THE WITNESS: Okay.

8 MR. MEYERS: If you know something Sean knows,
9 fine, but if you don't, don't guess on his answer.

10 MS. KLEIN: That's accurate, we don't want you
11 to guess. It's okay if you don't know, just tell us you
12 don't know.

13 Q. (By Mr. Reffner) Did Sean ever come and tell
14 you that he decided to run for congress?

15 A. I don't know.

16 Q. Do you know when Sean considered himself a
17 candidate?

18 A. When he got out of the army, I guess; I don't
19 know.

20 Q. Is there anything that might help you --

21 A. Well, I can't get inside my son's brain when he
22 considered himself a candidate.

23 MR. MEYERS: When he made his public
24 announcement?

25 THE WITNESS: Yeah, I mean, you know.

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1 Q. Well, when did you learn that Sean would become
2 a candidate?

3 A. When he got out of the army, I think.

4 Q. And how did you learn this?

5 A. When he got out of the army and come home and I
6 said, well, can you run for congress.

7 Q. Was that his -- was Sean looking forward to
8 getting out of the army to run for congress?

9 A. I don't know; I don't know, sir.

10 Q. If you do know.

11 A. I don't know. He liked the army and he did a
12 good job.

13 Q. Do you know if there were any press conferences
14 after Sean got out of the army to announce his candidacy?

15 A. Yes, there was a press conference.

16 Q. When was that press conference?

17 A. I think in January sometime of 1990.

18 Q. And how was this press conference arranged?

19 A. Just going to have a press conference and
20 called up the papers.

21 Q. Could you tell me the circumstances around the
22 press conference? How big was it, what was it like?

23 A. It was up at the university, up at Idaho State
24 University, and there were probably ten or fifteen people
25 there.

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1 Q. And were you there?
2 A. Yes, sir, I think I was there.
3 Q. And why were you there?
4 A. Because I was the campaign manager.
5 Q. What kind of planning went into this press
6 conference?
7 A. Just call up the people and call up the
8 newspapers and tell them going to run for congress.
9 Q. And who would have called up the newspapers?
10 A. Probably me; I don't remember, sir.
11 Q. Was it you who called up the newspapers?
12 A. I don't remember, sir.
13 Q. Do you remember when the newspapers might have
14 been contacted about this?
15 A. Probably contacted the day before the press
16 conference.
17 Q. You don't remember the day of the press
18 conference?
19 A. No, sir.
20 Q. Is there anything that might help you remember?
21 A. If you had a copy of the press conference.
22 Q. What about a calendar?
23 A. I don't remember, sir.
24 Q. Was it covered in the press?
25 A. Yes.

1 Q. Sean's announcement to run.
2 A. Yes, it was covered in some of the press, sir.
3 Q. And what are the local area newspapers?
4 A. What, the name of the paper?
5 Q. Yes.
6 A. The Idaho State Journal is the local paper.
7 Q. And was a story about Sean's candidacy in
8 there, in this newspaper?
9 A. I think so; I am not sure, sir.
10 Q. Did you read it in this newspaper?
11 A. I don't know, sir.
12 Q. I wanted to go back to this letter that Sean
13 sent you. When you got this letter, did you get the
14 impression that Sean did not want to be a candidate?
15 A. Well, he didn't want to have anything to do
16 with it.
17 Q. Did you get the impression that he couldn't be
18 a candidate?
19 MR. MEYERS: You mean at that particular time?
20 Q. At the time you received the letter.
21 A. Yes, I got the impression that he could not do
22 anything to -- he couldn't do anything political. He is
23 like you, he is Hatched.
24 Q. Did you get the feeling that he wanted to do
25 something political but he just couldn't because he was

1 in the military?

2 MR. MEYERS: Counsel, that's pure speculation.
3 You can ask him to tell what he knows, but --

4 Q. If you know.

5 A. I don't know, sir, you know.

6 MR. REFFNER: Let's take a break and go off the
7 record for a moment.

8 (Discussion off the record.)

9 MR. REFFNER: Back on the record.

10 Q. I want to bring one more letter to your
11 attention, if I can.

12 MR. REFFNER: Could I have the reporter mark
13 this as Federal Election Commission Exhibit No. 2 and
14 pass it to the respondent.

15 (Federal Election Commission Deposition
16 Exhibit No. 2 marked for identification.)

17 Q. That Exhibit No. 2, could you identify that?

18 A. Yes, sir.

19 Q. What is it?

20 A. It's a letter I sent to the FEC in January,
21 1990.

22 Q. Did you prepare this letter?

23 A. Yes, sir, I did.

24 Q. Did anyone assist you in preparing it?

25 A. No, sir.

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1 Q. And did anyone review it before you sent it to
2 the commission?

3 A. No, sir.

4 Q. Nobody had reviewed it at all.

5 A. No, sir.

6 Q. You identified your efforts there as a draft
7 committee in that letter; is that right?

8 A. Yes, sir.

9 Q. How did you learn there was such a thing as a
10 draft committee?

11 A. What do you mean -- well, I don't know, I think
12 I had some information about draft committees from the
13 FEC, but I can't remember exactly, sir.

14 Q. You stated earlier in this deposition that you
15 read an article about a candidate that someone was
16 attempting to draft, I think it was General Schwarzkopf.

17 A. Yes, sir.

18 Q. Do you remember when this article came to your
19 attention?

20 A. April, 1991.

21 Q. April of 1991?

22 A. Yes, sir.

23 Q. I am a little confused. I was under the
24 impression that you had read that article some time ago
25 when you were involved in drafting Sean as a candidate.

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1 A. No, sir.

2 Q. You said that you were the campaign manager for
3 Sean's campaign; is that right?

4 A. I think so, yes, sir.

5 Q. Was that your role in the campaign?

6 A. Yes, sir.

7 Q. Did you decide that you would be the campaign
8 manager?

9 A. No, sir.

10 Q. Who decided?

11 A. They decided, the other members of the family.

12 Q. So who would that be?

13 A. Sean and my wife -- I think Sean and my wife
14 mainly, I guess.

15 Q. And what did your duties as campaign manager
16 entail?

17 A. Just do everything; I just tried to go around
18 and I got names on petitions to put his name on the
19 ballot, things like that.

20 Q. Did you work every day?

21 A. No, sir.

22 Q. Did you consider it equal to a full-time job?

23 A. More so almost, but I have a medical practice,
24 I had a living to make.

25 Q. Were you also working in your medical practice

1 at this time?

2 A. Yes, sir.

3 Q. So would you have done your activities in the
4 evening?

5 A. Well, in the evening and days off, weekends,
6 things like that.

7 Q. Would you have ever ordered any materials for
8 the campaign?

9 A. Would I have ever ordered any materials? Yes,
10 I think I bought some stuff a couple times.

11 Q. And what kind of stuff did you buy?

12 A. I bought some letterheads and I bought some
13 shirts and hats.

14 Q. Did you buy anything else?

15 A. I don't remember anything else.

16 Q. Is there anything that would help you remember?

17 A. You could whip me.

18 MR. MEYERS: I think what he is telling you is
19 that there wasn't a lot bought in this campaign.

20 THE WITNESS: Yes.

21 MR. MEYERS: That's what it's really --

22 Q. Well, if someone was going to order supplies
23 for the campaign, who would have done that?

24 A. Secretary, my wife, probably.

25 Q. Now, when you ordered these supplies, did you

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1 do it over the telephone, in person? How did you do it?

2 A. Those two things I ordered? I did it
3 personally.

4 Q. And do you recall when you ordered them?

5 A. It may have been in June of 1990 or July or
6 something like that.

7 Q. And did you also pick these materials up when
8 they were ready?

9 A. Yes, sir.

10 Q. And then what did you do with them?

11 A. I give them to the campaign, we just brought
12 them to the campaign.

13 Q. Did you pay for these materials?

14 A. Yes, sir.

15 Q. And how did you pay for them?

16 A. I paid cash or personal check, I don't
17 remember.

18 Q. Do you have any records that might reflect
19 these --

20 A. I have a receipt for them.

21 Q. Could you produce that receipt for us to look
22 at?

23 A. Yes, sir.

24 Q. Not now but after --

25 A. Yes, sir.

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1 Q. We can take care of it at the end of the
2 deposition.

3 Do you have any canceled checks that might show
4 these payments?

5 A. I don't know, sir.

6 MR. REFFNER: Again I want to produce another
7 document. Would you mark that as Federal Election
8 Commission Exhibit No. 3.

9 (Federal Election Commission Deposition
10 Exhibit No. 3 marked for identification.)

11 Q. Could you identify those?

12 A. Yes, this is what I talked to you about.

13 Q. Are those items right there invoices?

14 A. Yes, sir.

15 Q. And they are the orders that you placed for
16 letterhead, shirts, hats?

17 A. Yes, sir.

18 Q. And the first invoice, what does that reflect?

19 A. That's for hats and for the T-shirts.

20 Q. And who did you order those from?

21 A. I guess it's up here on top, Art Collectables.

22 Q. How about the second invoice?

23 A. That's for the letterhead.

24 Q. And you ordered that from whom?

25 A. Copycat.

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1 Q. Now, after you paid for these materials were
2 you reimbursed?

3 A. Yes, sir.

4 Q. And when were you reimbursed?

5 A. I think I was reimbursed at the end of the
6 campaign.

7 Q. Why would you have been reimbursed at the end
8 of the campaign?

9 A. It's just time to pay up for everything.

10 Q. Were there other people in the campaign who
11 ordered materials like you ordered these materials?

12 A. Yes, Kevin Woods, I think, might have ordered
13 materials.

14 Q. And who is Kevin Woods?

15 A. He is campaign coordinator.

16 Q. And do you know what materials he might have
17 ordered?

18 A. No, I don't know. I think advertising and
19 stuff like that.

20 Q. Do you know if he would have paid for those
21 materials or paid for that advertising?

22 A. I doubt it; see, I didn't have any authority to
23 write any checks on the campaign, and I don't think Kevin
24 Woods did either. I think my wife had the only authority
25 to write checks.

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1 Q. Are you aware of any payments that might have
2 been made to Kevin Woods by the campaign committee?

3 A. No.

4 Q. When you say the end of the campaign, when was
5 this?

6 A. Right in November sometime.

7 Q. And how did the idea of a reimbursement come
8 up?

9 A. Just that we are going to close this thing out
10 and pay off the bills.

11 Q. Well, did you present your bills to the
12 committee?

13 A. Yes, sir.

14 Q. I am assuming that these are the two bills that
15 you presented.

16 A. Yes, sir.

17 Q. Did you present any other bills?

18 A. I can't remember.

19 Q. Is there anything that might help you remember?

20 A. No, sir.

21 Q. Did anyone else present similar bills to the
22 committee at the end of the campaign?

23 A. I don't know, sir.

24 MR. REFFNER: I have another exhibit I would
25 like the court reporter to mark as Federal Election

1 Commission Exhibit No. 4.

2 (Federal Election Commission Exhibit No. 4
3 marked for identification.)

4 Q. Dr. McDevitt, could you identify this document?

5 A. Yes, sir, it's a report of receipts and
6 disbursements.

7 Q. And on that first page, Section 5 of the
8 report, underneath the word Summary, could you read the
9 dates where it says covering period?

10 A. 10-18-90 through 11-29-90.

11 Q. Would you turn to the eighth page of that
12 report, please.

13 A. Yes, sir.

14 Q. I believe, if you can turn back a page, maybe I
15 was wrong, it might be the seventh page, and could you
16 state, up at the top of that page, printed numbers, it
17 says Schedule --

18 MS. KLEIN: Let us help you through that. At
19 the top I think the photocopy is not of great quality, at
20 the top it says Schedule B --

21 A. Schedule B, itemized disbursements.

22 MS. KLEIN: Right.

23 Q. Down at the bottom of the page, could you read
24 the last entry?

25 A. Tom McDevitt, advertising reimbursement,

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1 11-6-90, \$2,781.26.

2 Q. What was the total amount of that
3 reimbursement?

4 A. Let's see, \$2,781.26, I think.

5 Q. What was the purpose of this reimbursement?

6 A. I think that was for those things we just
7 mentioned.

8 Q. Just to clarify this reimbursement, could you
9 go back to the Exhibit No. 3 with the two invoices.

10 A. Yes, sir.

11 Q. Now, how much are those two invoices?

12 A. What about them?

13 Q. What's the total amount for those invoices?

14 A. Well, \$1,246.25.

15 Q. And that is for the invoice --

16 A. Well, 1,286.25, I think, because I made a \$40
17 deposit. They don't add up.

18 MS. KLEIN: They don't add up?

19 THE WITNESS: No, they don't add up to that
20 amount and I don't know why.

21 MR. MEYERS: Just for the record, your report,
22 which I believe is Exhibit No. 4, was prepared by someone
23 else other than Dr. McDevitt and you can certainly ask
24 him for the discrepancy and account for the difference, I
25 am not trying to inhibit that.

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1 MS. KLEIN: Our question was perhaps he might
2 be able to explain if there was another invoice that
3 could have accounted for the difference, if he recalled.

4 THE WITNESS: I don't know, ma'am, I don't
5 know.

6 MS. KLEIN: All right.

7 Q. (By Mr. Reffner) Do you recall how you were
8 reimbursed? Was it check or cash?

9 A. Check, sir, I think a check, yes.

10 Q. What did you do with that check?

11 A. Spent it on women, whiskey and cigars.

12 MR. MEYERS: No levity.

13 MS. KLEIN: We are going to read this.

14 MR. MEYERS: Some people other than these
15 individuals will read this and your smile does not show
16 through.

17 A. Well, I just spent it, sir.

18 Q. (By Mr. Reffner) Did you deposit that check
19 into your bank account?

20 A. I don't know, sir.

21 Q. Do you have any bank records that might show
22 that deposit into your bank account?

23 A. I don't know, sir, I don't know.

24 Q. Would you have given that check back to the
25 campaign?

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1 A. No, sir.

2 Q. Now, if I understand your testimony here, there
3 were only two times that you placed orders for the
4 committee and both times you paid for those orders.

5 A. That's all I can remember, sir.

6 Q. Now, in addition to ordering any materials for
7 the campaign, did you have any other responsibilities in
8 this campaign?

9 A. Well, I didn't order materials for the
10 campaign, sir, that was not what I did, you know.

11 Q. Well, what did you do?

12 A. What did I do? Well, I got names to get him on
13 the ballot, and I just ran around and I gave out
14 brochures, and I dressed up in an elephant suit and I
15 stood on the corner with a sign that says McDevitt for
16 Congress and people gave me the finger, and that was my
17 job.

18 Q. Now, you say you didn't order materials for the
19 campaign but you did order these materials, right?

20 A. Yes, sir.

21 Q. And when I say "these materials," I am
22 referring to the two invoices in the FEC Exhibit No. 3.

23 A. Yes, sir.

24 Q. Why would you say that you are not the one who
25 would have ordered those materials?

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1 A. These are the only two things, I thought it was
2 a good idea, so I went and ordered them.
3 Q. Did you discuss ordering them with anyone
4 before you ordered them?
5 A. No, sir.
6 Q. You did it all on your own.
7 A. Yes, sir.
8 Q. Now, in addition to your role in Sean's
9 campaign as campaign manager what type of financial
10 support did you give Sean's campaign?
11 A. None, sir, other than what's on the record.
12 Q. What would be on the record?
13 A. Well, that donation we made for the campaign,
14 my wife and I.
15 Q. Which donation would that be?
16 A. Well, that \$2,000 -- \$1,000 each for the
17 primary and \$1,000 for the general.
18 Q. Did you loan the campaign any money?
19 A. Yes, I got in trouble over that one.
20 Q. Now, when you say you got in trouble, what do
21 you mean?
22 A. What do I mean?
23 Q. What do you mean?
24 A. Well, I don't know -- should I go through that?
25 THE WITNESS: What should I tell them?

1 MR. MEYERS: Why don't you let him ask the
2 questions on it.

3 Q. I understand that there has been a suggestion
4 that you and your wife provided a loan to the campaign,
5 to Sean's campaign, or to Sean. I am not sure. Could
6 you tell me about that?

7 A. You are not sure?

8 MR. MEYERS: Explain.

9 Q. If you could just tell me the circumstances.

10 MS. KLEIN: Why don't we describe for the
11 record what transpired leading up to this --

12 THE WITNESS: I want to tell you the whole
13 truth and I don't want to volunteer a lot of stuff that's
14 going to get us away from what we are talking about.

15 MS. KLEIN: How did the loan transaction come
16 up?

17 THE WITNESS: How did it come up?

18 MS. KLEIN: Yes.

19 THE WITNESS: Well, Sean didn't qualify for a
20 further loan in his campaign. This is near the end of
21 the campaign. And so the bank said no, he couldn't
22 qualify for any more loan. So I said, well, I'll loan
23 you the money, then.

24 Q. (By Mr. Reffner) And how much money was this?

25 A. \$30,000.

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1 Q. Now, where did you get the \$30,000 to loan
2 Sean?

3 A. From my personal money.

4 Q. Was this your savings account?

5 A. Savings, credit card or whether I borrowed it,
6 you know, it was just my money.

7 Q. Did you borrow the \$30,000?

8 A. No, I don't remember borrowing the money, no,
9 sir.

10 Q. Did you take a mortgage out on your house?

11 A. No, sir.

12 Q. Did you turn in any stocks or bonds?

13 A. No, sir, I don't remember that.

14 Q. So, if I understand your testimony, it seems
15 like you just went down to the bank one day and got
16 \$30,000 and gave it to Sean and that that \$30,000 came
17 from your personal banking account.

18 A. My personal banking business, yes, sir.

19 MS. KLEIN: What account would that have come
20 from?

21 THE WITNESS: Probably from my personal account
22 with First Security Bank, unless I got the money from a
23 credit card. I might have got it from a credit card.

24 Q. Do you have any credit card records that might
25 show you getting this money?

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1 A. No, sir, I don't know. I got it legally,
2 honestly.
3 Q. And is this the same checking account that you
4 wrote checks back in 1989 for the draft committee?
5 A. Probably, sir.
6 Q. And after you went to the bank and got the
7 \$30,000, what did you do with that money?
8 A. I loaned it to Sean.
9 Q. Did you receive a cashier's check from the
10 bank?
11 A. I don't remember, sir.
12 Q. Did you give the \$30,000 to Sean?
13 A. Yes, sir.
14 Q. And what did you say to him?
15 A. I said here is a loan and he made out a loan
16 slip, that he owed me the money with the interest on it.
17 Q. Do you know what Sean did with that \$30,000?
18 A. I think he loaned it to the campaign.
19 Q. Did he also charge the campaign money, or
20 interest?
21 MR. MEYERS: If you know the answer.
22 A. I don't know, sir, I don't know.
23 Q. Do you know what the committee might have used
24 those funds for?
25 A. Well, I suppose they used them for the

1 campaign, sir.

2 Q. And anything in particular in the campaign?

3 A. Mostly advertising.

4 MR. MEYERS: Mr. Reffner, part of the problem
5 here is when he gives you answers like just mostly
6 advertising, I think you have established that he wasn't
7 in control of the checkbook, had no signature authority,
8 and I am not sure he participated in the direction to
9 write checks. I mean he is looking at a campaign report,
10 the same as you, and I am not totally sure of the uses
11 you are putting this deposition to. He is trying to help
12 you --

13 MS. KLEIN: I think he framed the question as
14 to whether he knew what it was used for.

15 MR. MEYERS: All I am trying to establish is
16 some of your answers you are getting on personal
17 knowledge and some of them you are getting on surmise and
18 probably --

19 MR. REFFNER: As long as he knows the answer.

20 Q. (By Mr. Reffner) You say that Sean didn't
21 qualify for an additional loan. I take that to mean Sean
22 had already received one loan.

23 A. Yes, sir, I think so.

24 Q. Were there any other loans that he had
25 obtained?

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1 A. I don't know; I don't think so.

2 Q. Do you know where he applied for the second
3 loan that he didn't qualify for?

4 A. I think it was Idaho First Interstate Bank
5 where he got the first one.

6 Q. Do you know how much he applied for on that
7 second loan?

8 A. I am not sure; I thought it was 30,000.

9 Q. Now, when you gave Sean the \$30,000 loan --

10 A. I loaned it to him.

11 Q. You loaned it to him, yes. -- did you talk to
12 anyone about giving Sean a loan?

13 A. No, sir.

14 Q. Did you talk to Sean?

15 A. Yeah, I talked to Sean, yes, sir.

16 Q. And did he approach you about the loan or did
17 you --

18 A. Well, he said he couldn't get the loan from the
19 bank. I said, well, I'll loan you the money, then.

20 Q. Do you recall when this was?

21 A. It was in October of 1990.

22 Q. Did you discuss with Sean how you would obtain
23 the \$30,000 to loan him?

24 A. How what?

25 Q. How you would go about obtaining the \$30,000 to

1 loan him.

2 A. How I was going to get the money?

3 Q. Yes.

4 A. No, sir.

5 Q. So, if I understand your testimony, Sean told
6 you that he applied for a loan at a bank and he couldn't
7 obtain that loan, and you said, well, I'll give you the
8 money.

9 A. I'll loan you the money, yes, sir.

10 Q. And was there any other discussion that you and
11 Sean had?

12 A. That's all I can think of.

13 Q. And the \$30,000 that you loaned Sean, that was
14 from both you and your wife?

15 A. Yes, like we are married 30 years.

16 Q. So was Sean to repay you or repay both you and
17 your wife?

18 A. Well, this is a community law state, everything
19 is the same.

20 Q. So, for example, the credit card that you may
21 have used to obtain a portion of those funds, was that
22 credit card in your name, your wife's name, or both of
23 your names?

24 A. It's in my name, but I think she can sign on
25 it.

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1 Q. Is it issued in anyone else's name?
2 A. What, sir?
3 Q. Is the credit card issued in anyone else's
4 name?
5 A. No, sir, not that I know of.
6 Q. I understand from the documents that you
7 produced to the commission that there may have been some
8 type of a refund that Sean gave to you. Is that correct?
9 A. A refund? What do you mean, sir?
10 Q. Or repayment of a loan.
11 A. I thought that's what we were talking about; he
12 had to pay the loan back -- I mean not -- you know --
13 Q. Did he pay you the loan back?
14 A. Yes, sir.
15 Q. And the loan that we are talking about is the
16 \$30,000 loan that you made in October?
17 A. Yes, sir.
18 Q. When did he pay this back?
19 A. I'd have to look. It was in November.
20 Q. Could you please tell me the circumstances
21 around the refund, how the refund came to be?
22 THE WITNESS: Should I tell them about the loan
23 or what we did or what we tried to do or --
24 MR. MEYERS: Let's stop for a second.
25 MS. KLEIN: Let's go off the record for a

1 moment.

2 (Discussion off the record.)

3 MS. KLEIN: Back on the record.

4 A. In October, I think it was around the 11th, I
5 made the loan to Sean. And then the people that -- my
6 wife and her friend that did the accounting made up this
7 thing that had to go in on the 17th, and my wife, of
8 course, listed the loan. And then on the 19th I got the
9 person that was a friend, who is an accounting instructor
10 up at the college, sent the papers back, report form,
11 with a note saying that this may be in violation of the
12 rules, and maybe you should consult a lawyer, and you can
13 probably take a part of that as contributions from me and
14 my wife, but the other probably would have been as a
15 contribution, so you better check with a lawyer on it.
16 So that was Thursday or Friday.

17 So the first thing Monday morning I called up
18 the Federal Election Committee and I said -- this is the
19 22nd and the loan was due on the -- I mean the report was
20 due on the 22nd, and I said this was out of bounds, and
21 she said yeah, it would probably be as a contribution and
22 you better pay it back right away. So the 22nd and it
23 was due then, so I just sent a letter; I may have made an
24 illegal contribution and we'll pay it back, and we sent
25 the report of what we had done in to the FEC.

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1 Then on the 22nd I called up the FEC again and
2 I said how do I pay this sucker back, and they said,
3 well, you put so much on one form for the contribution or
4 the loan and you put the other part for your wife and
5 your contribution. And then I said how do I make it
6 right? And then they gave me somebody else. And they
7 said, well, you have got to pay it back right away, you
8 have got 60 days. You should pay it back probably by the
9 time the next report is due the 26th.

10 MR. MEYERS: And that's the 26th of November?

11 A. Of November, so that's what we tried to do.

12 MS. KLEIN: And how did you go about refunding
13 it, then?

14 A. Well, I don't do the books, but Sean paid me
15 the money back, he paid me -- well, he had to liquidate
16 his IRA savings and he gave me what cash he had, and he
17 sold me a car, and then I got some money, I think, from
18 the campaign committee.

19 Q. You seem very well versed on the dates that all
20 of this happened.

21 A. Yes, sir.

22 Q. The loan happening on the 11th --

23 A. Yes, sir.

24 Q. Did you review any documents --

25 A. I think I looked at that thing on the loan on

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1 the 11th, and the other things, yes, I reviewed some
2 documents -- I don't know if they are documents, but I
3 reviewed them.

4 Q. Might they have been notes?

5 A. They are notes, sir.

6 Q. When you called the FEC and they told you to
7 put down the refunding on a certain part of the report
8 and something else on a certain other part of the report,
9 who filled out the disclosure report?

10 A. From that material?

11 Q. Yes.

12 A. My wife.

13 Q. Did you fill out the disclosure report at all?

14 A. No, sir, I don't do those things.

15 Q. Now, you say that the disclosure report was
16 made out after you gave Sean the loan and you listed the
17 loan on there and then someone sent the report back with
18 a letter.

19 A. Yes, sir.

20 Q. Who was that?

21 A. Her name is Lela Pumphrey.

22 Q. Why would she have looked over that report?

23 A. She was accounting -- she teaches accounting up
24 at the college. She was a volunteer helping my wife with
25 that.

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1 Q. And did you talk to her at all about the loan?

2 A. After I got that letter?

3 Q. Yes.

4 A. Well, I didn't know what to do. I called her
5 up and I said -- afterwards I said I done it, Kitty --
6 they call her Kitty -- I done the deed. I am just going
7 to tell them I done the deed and ask them how to make it
8 right.

9 Q. Did you talk to her about the loan before you
10 received the letter?

11 A. No, sir.

12 Q. And what did she tell you about the loan?

13 A. In the letter?

14 Q. No, when you talked to her after you received
15 the letter.

16 A. She said that's nice, that's the honorable
17 thing to do, I guess that's what she said. What could
18 you say?

19 Q. Now, when you received the refund from Sean for
20 the loan, you said that Sean liquidated an IRA account,
21 sold a car. Did he give you one check for the refund?

22 A. No, I got a bunch of checks.

23 Q. And what did all of those checks total, do you
24 remember?

25 A. No; I have got it written down and if you want

1 me to look it up, I can.

2 Q. If you could, I would like to have on the
3 record how much the refund was.

4 A. I have got some of it, I think we provided it
5 to you.

6 MR. REFFNER: Off the record.

7 (Discussion off the record.)

8 MR. REFFNER: I'd like to have this marked as
9 FEC Exhibit No. 5.

10 (Federal Election Commission Exhibit No. 5
11 marked for identification.)

12 Q. Could you identify that document, Dr. McDevitt?

13 A. Yes, sir.

14 Q. What is that document?

15 A. This is a document of how Sean paid me back the
16 money he owed on that loan.

17 Q. Did you write this?

18 A. Yes, sir, I did.

19 Q. Did anyone review it?

20 A. No, sir.

21 Q. And how much does this letter show you
22 receiving from Sean?

23 A. \$26,337.12.

24 Q. It seems to be less than the \$30,000. Is there
25 a part of the loan that Sean didn't refund?

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1 A. Is that a trick question?
2 Q. I am trying --
3 A. I think we could have put the other 4,000 as
4 the contributions by my wife and I.
5 Q. And you realized that you could contribute
6 \$1,000 when you got the letter from the assistant
7 treasurer, Lela -- I am sorry, what was her name again?
8 A. Lela Pumphrey. Do you want to run that by me
9 again, those figures?
10 Q. How did you come to determine that you could
11 contribute \$1,000?
12 A. Well --
13 MR. MEYERS: Excuse me. There is another
14 letter in there that we provided to you from Lela B.
15 Pumphrey to Dr. McDevitt which says that it's come to her
16 attention that the doctor has loaned Sean \$30,000 which
17 has been contributed to the campaign and Dr. McDevitt and
18 his wife could each contribute \$2,000.
19 Q. Now, the amount that you were refunded,
20 \$26,337.12, if you and your wife each contributed a
21 thousand --
22 A. Are you putting me on now? We are allowed a
23 thousand for each campaign, so two thousand apiece.
24 That's \$4,000.
25 MS. KLEIN: Right.

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1 A. That's what the letter said.
2 Q. And then the amount, the \$26,337.12, it seems
3 to be \$337.12 more than \$30,000.
4 A. Yes, it is.
5 Q. And that being for --
6 A. Interest.
7 Q. Now, when you got your refund from Sean, what
8 did you do with that refund?
9 A. I put it in the bank.
10 Q. And did you put this into your personal
11 account?
12 A. Yes, I think so.
13 Q. Would you have put it into another account?
14 A. Well, I either could have paid it for credit
15 cards -- I think it went into my personal account, but I
16 am not -- no, I don't have any secret account.
17 Q. Now, part of the refund involved the selling of
18 a car.
19 A. Yes, sir.
20 Q. Could you tell me about that? How did the idea
21 of selling a car come up?
22 A. Well, just how to get the money to pay the
23 money back, so this campaign car he used --
24 Q. When you say "he," do you mean Sean?
25 A. Sean.

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- 1 Q. Now, was this Sean's car?
- 2 A. Yes, sir, Sean and his wife's.
- 3 Q. And you said that this was their campaign car?
- 4 A. Well, Sean used it to run around in. It was
- 5 his personal car, I guess he'd campaign in it.
- 6 Q. And how much did you pay for that car?
- 7 A. \$3,400, I think.
- 8 Q. How did you determine that \$3,400 would be the
- 9 sales price?
- 10 A. I don't know, the book value was 26 or 27, I
- 11 think, and then he had a new motor that he put in for 14
- 12 or \$1,500, so we figured, well, that's a fair price for
- 13 the car.
- 14 Q. Did you consult anyone about selling the car?
- 15 A. No, sir.
- 16 Q. Did you consult any books on car values?
- 17 A. Well, I think I -- I can't remember, but I
- 18 think we looked at what would be the price for that car.
- 19 Q. Now, you say the car was for Sean and his wife.
- 20 Was the car originally Rebecca's?
- 21 A. I think so.
- 22 Q. So she brought it into the marriage.
- 23 A. Yes, sir, I think so; I am not sure, sir.
- 24 Q. You had mentioned that Sean had obtained one
- 25 bank loan for his campaign. What do you know about his

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1 bank loan?

2 A. Nothing.

3 Q. How did you come to find out that Sean had
4 obtained a bank loan?

5 A. He said he got a loan.

6 Q. When did he tell you this?

7 A. Well, I suppose it was after he got the loan.

8 Q. And when would that have been?

9 A. I don't remember, sir, I don't know when he got
10 the loan, February, March something of 1990.

11 Q. So it was around the beginning of the campaign.

12 A. Yes, sir.

13 Q. And I think I might have already asked you but
14 if you could tell me again, what bank did Sean obtain
15 that loan from?

16 A. He got it from Idaho First Interstate, I think.

17 Q. Are you familiar with Idaho First Interstate
18 Bank?

19 A. We are a little town.

20 Q. Are you familiar with that bank?

21 A. Yes. I don't get familiar with anybody in
22 there but I am familiar with the bank. I know where it
23 is, I go in there maybe once a month, once every two
24 months or so.

25 Q. And what would you go into that bank for?

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1 A. Well, cash a check, get silver dollars.
2 Q. Do you have any accounts there?
3 A. I have a pension account there, I think, I
4 think I have a checking account for my pension fund
5 there.
6 Q. And any other accounts that you might --
7 A. Well, the Little Red Hen has a bank account
8 there.
9 Q. Do you know anyone that works at that bank,
10 First Interstate?
11 A. I know some of the local people, yes, sir.
12 Q. And who would they be?
13 A. Well, I know Bob Flandro who runs the bank, and
14 then there is -- I think there is a girl named Amy. A
15 lot of these people know me but I don't necessarily know
16 them. I don't know if you ever get into that situation.
17 But, you know, I know if they are sitting there and their
18 name was in front of them, I would know. Really the only
19 two names I can think of that I would feel confident with
20 is Amy and Bob Flandro.
21 Q. You say that Bob Flan -- is it Flander or
22 Flandro?
23 A. Flandro, F-l-a-n-d-r-o.
24 Q. You say that he runs the bank. Is he a --
25 A. He is a local chief manager.

1 Q. Manager. Would you say he is a vice president?
2 A. I don't know.
3 Q. How long have you known him, Bob Flandro?
4 A. I have known him six or seven years probably.
5 Q. And are you aware of any other loans that Sean
6 might have obtained in 1990 for his campaign?
7 A. No, sir.
8 Q. Any personal loans he might have obtained in
9 1990?
10 A. No, sir.
11 Q. Do you know if he made any other contributions
12 to his committee?
13 A. No, sir.
14 Q. Are you aware of any contributions?
15 A. No, sir.
16 Q. Now, you say that Sean attempted to get a
17 second loan and the bank refused to give him this loan,
18 and that bank was First Interstate Bank?
19 A. I think so. All I know is he said he didn't
20 get a loan.
21 Q. Do you know if he applied at any other banks?
22 A. No, sir, I don't.
23 Q. When Sean applied for his first loan at the
24 beginning of the campaign, did you go with him?
25 A. No, sir.

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1 Q. Did you talk to him at all about this loan?
2 A. No, sir.
3 Q. Did you talk to anyone at the bank about this
4 loan?
5 A. No, sir, I don't remember.
6 Q. Oh, you don't remember?
7 A. Well, I don't think I did, sir, no, sir.
8 Q. Is there anything that might help you remember?
9 A. No, sir, I can't think of anything. I just
10 don't think I did, you know.
11 Q. And when the second loan came up and Sean was
12 refused that loan, did you talk to anyone at the bank
13 about that?
14 A. No, sir.
15 Q. I am just going to ask one more question. I
16 feel like I am taking up your time.
17 The loan that Sean received in January and the
18 one that he applied for -- I am sorry, that loan may not
19 have been in January, it was at the beginning of the
20 campaign, but that loan that he received and then the one
21 that he applied for and was rejected for, did you ever
22 discuss cosigning that loan?
23 A. No, sir.
24 Q. Did Sean ever approach you about cosigning the
25 loan?

1 A. No, sir.

2 MR. REFFNER: Could we take another break.

3 (Short recess.)

4 Q. Dr. McDevitt, I would like to talk about the

5 Little Red Hen. You have referenced that name a few

6 times during this deposition. Could you identify the

7 Little Red Hen?

8 A. The Little Red Hen is a family corporation.

9 Q. When you say family corporation, what do you

10 mean?

11 A. Well, I am the president and Sean is a vice

12 president and my wife is secretary-treasurer.

13 Q. And are there any other officers?

14 A. No, sir.

15 Q. And does your family own the corporation?

16 A. Yes, sir.

17 Q. And is that ownership split up between you,

18 your wife --

19 A. Me and my wife, yes, sir.

20 Q. You and your wife own 100 percent of that

21 corporation?

22 A. Yes, sir.

23 Q. How long has the Little Red Hen been

24 incorporated?

25 A. The 1970's, early 1970's.

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1 Q. Have you been associated with the Little Red
2 Hen since it was incorporated?

3 A. Yes.

4 Q. You are the person who incorporated it?

5 A. Yes, sir.

6 Q. Where is it incorporated?

7 A. In Idaho.

8 Q. Is it a particular type of corporation?

9 A. Well, we have some farm property and acreage
10 and we have some office, a couple office buildings. What
11 do you mean type of corporation; is that what you mean?

12 Q. What I was getting at there, sometimes there
13 are corporations that are set up for tax purposes,
14 something like an S type corporation.

15 A. It's probably for tax purposes, I guess so, I
16 don't know. I don't save much taxes, but --

17 Q. Now, you said that the Little Red Hen has some
18 property. What type of business is the Little Red Hen
19 in?

20 A. We have some farmland, we have a couple
21 buildings, and we have -- we do a little publishing of a
22 book I wrote, and that's what we do.

23 Q. So there is farmland and then there are the
24 buildings, and then there is the publishing.

25 A. Yes.

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1 Q. Is there anything else that the Little Red Hen
2 does?
3 A. That's all I can think of.
4 Q. Now, the land that the Little Red Hen owns,
5 where is that located?
6 A. That's south of town here.
7 Q. Is that the only land that the Little Red Hen
8 owns?
9 A. Well, the buildings, you know, where the land
10 -- the buildings.
11 Q. All the buildings are located on this piece of
12 property?
13 A. No, they are different.
14 Q. How many buildings are there?
15 A. I have three.
16 Q. And where are they located?
17 A. Pocatello.
18 Q. What are the addresses of each building?
19 A. 818 East Lander, 850 East Lander, 707 North
20 Seventh Avenue.
21 Q. And the building at 868 --
22 A. 818 East Lander --
23 Q. Yes, 818 East Lander, what is that building
24 used for?
25 A. That's my office and Mr. Meyers' office.

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1 Q. And when you say "your office" --
2 A. My medical office.
3 Q. And the building at 850 East Lander?
4 A. That's rented to the Soil Conservation, U.S.
5 Department of Agriculture.
6 Q. And does anyone else occupy space in that
7 building?
8 A. Not that I know of.
9 Q. And then the building at 707 North --
10 A. Yes, there is a place called CRIP, I think they
11 changed their name -- it's a handicapped place, and then
12 there is some internal medicine doctors, and then there
13 is a psychology office.
14 Q. And am I correct in understanding that there
15 are three tenants in the building at 707 North Seventh?
16 A. Yes, sir.
17 Q. And the publishing aspect of the Little Red
18 Hen's activities, where does that take place?
19 A. My medical office mainly. It's just I have
20 these books and people send in and we send them out.
21 Q. Are there any employees of the Little Red Hen?
22 A. Well, there is a couple of my sons when they do
23 the farm work, employees.
24 Q. And when you say farm work, you mean on the
25 property?

1 A. Yes, on the ranch, yes.

2 Q. Is this the only ranch that the Little Red Hen
3 is involved in?

4 A. Yes, sir.

5 Q. Other than your sons, are there any other
6 employees?

7 A. No, sir.

8 Q. What's the annual revenue for the Little Red
9 Hen, say, this year to date?

10 A. The annual revenue?

11 Q. Yes.

12 A. Well, it varies; sometimes we make 5 or
13 \$10,000; sometimes we don't make nothing.

14 Q. When you say sometimes --

15 A. You mean the revenues or profit?

16 Q. The revenue, annual revenue.

17 A. Oh, the money that comes in? Well, the money
18 that comes in is from the rental units, so, I don't know,
19 I would have to add that up. I don't do the bookwork,
20 sir.

21 Q. Who does?

22 A. My wife does.

23 Q. Does anyone assist her?

24 A. She sends it to an accountant that does it at
25 the end of the year.

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1 Q. Do you know who that accountant would be?
2 A. Deaton & Company, Jim Lee.
3 Q. That's here in Pocatello?
4 A. Yes, sir.
5 Q. Could you spell Mr. Lee's name?
6 A. L-e-e.
7 Q. And did the Little Red Hen use Mr. Lee as an
8 accountant in 1990?
9 A. I don't know what to tell you -- I think he
10 does the books at the end of the year, but he doesn't --
11 I don't think he does, I am not sure, day-to-day books.
12 Q. Did he do the books at the end of the year for
13 the year 1990?
14 A. Probably did.
15 Q. Do you have any idea how much revenue the
16 Little Red Hen might have made in 1990?
17 A. No, sir.
18 Q. Do you have any documents or --
19 MR. MEYERS: Can you tell me what the relevance
20 is of this line of questioning? It's a for-profit
21 corporation.
22 MS. KLEIN: There are several grounds on which
23 it might be relevant, but if you would like to object on
24 that ground, note your objection for the record.
25 Q. Could you answer the question?

1 A. What was the question?
2 Q. The revenue --
3 A. I don't know, sir.
4 Q. Do you have any documents that might be able to
5 assist you in remembering?
6 A. No, sir; I don't do the books, sir.
7 Q. Now, about the profit, do you have an idea of
8 about how much profit you might have made in 1990?
9 A. No, sir.
10 Q. Do you receive any income from the Little Red
11 Hen?
12 A. No, sir.
13 Q. You are not paid for your position as president
14 of the Little Red Hen?
15 A. No, sir.
16 Q. What are your duties and responsibilities as
17 the president of the Little Red Hen?
18 A. I don't do much. I don't know, I don't do much
19 for my money. I guess I get paid for what I do.
20 Q. Do you advertise for tenants to move into your
21 buildings?
22 A. I put up a sign, yes, sir.
23 Q. Do you collect the rent from the tenants?
24 A. No, sir.
25 Q. Who does that?

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1 A. My wife does that.
2 Q. Do you negotiate leases for the tenants?
3 A. I would try -- yeah, once in a while, I guess,
4 yes, sir.
5 Q. Well, suppose that I wanted to rent an office
6 for the Little Red Hen, one of its buildings, who would I
7 call?
8 A. They are rented, sir.
9 Q. Well, suppose one was vacant, who would I call?
10 A. You would call me or my wife.
11 Q. What about Sean?
12 A. What about Sean what?
13 Q. Would Sean have been able to arrange for a
14 lease?
15 A. No.
16 Q. No?
17 A. No.
18 Q. He was a vice president.
19 A. Well, he is never here, though.
20 Q. Was he in Pocatello in 1990?
21 A. Yes, sir.
22 Q. Would he have been able to arrange for a lease
23 in 1990?
24 A. He would probably have had them talk to me,
25 sir, and my wife.

1 Q. Now, it's my understanding that the committee
2 may have used some office space in one of the Little Red
3 Hen's buildings. Is that correct?

4 A. That's correct.

5 Q. And when would that have occurred?

6 A. The rent, I think, started the first of April,
7 1990.

8 Q. And how long did it run, how long were they in
9 there?

10 A. Could I tell about this office space, would
11 that be prudent?

12 MS. KLEIN: Would you describe the office
13 space, the physical layout of the office space for us?

14 THE WITNESS: Yes, I could show you a map.

15 MS. KLEIN: Okay.

16 (Discussion off the record.)

17 MS. KLEIN: Let the record reflect that the
18 deponent has put forward what looks like an architectural
19 drawing --

20 MR. REFFNER: Identified as an office building
21 for Dr. Thomas J. McDevitt dated August 31, 1972. It
22 says main level floor plan and schedules. It's a drawing
23 of a building and there is a portion of the drawing
24 that's outlined in some type of colored ink.

25 MS. KLEIN: Go ahead.

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1 THE WITNESS: He had this north suite, Suite F
2 there, this is right here (indicating), and he had these
3 two rooms, and he used the bathroom.

4 MS. KLEIN: How many suites --

5 THE WITNESS: There is A, B, C, D, E, F, six
6 suites in that.

7 MS. KLEIN: Are they all of similar size?

8 THE WITNESS: This is a little bit smaller; the
9 others are the same.

10 MS. KLEIN: And all suites are occupied?

11 THE WITNESS: They are now, yes, ma'am.

12 MS. KLEIN: Why don't we go through each one
13 and you can tell us --

14 THE WITNESS: What's that, ma'am?

15 MS. KLEIN: Why don't we go through and start
16 with the one currently, the one that you have
17 highlighted, and tell us --

18 THE WITNESS: That's the room, this is the
19 suite (indicating). This is the rooms and -- this is two
20 rooms and a bathroom that he used in this suite.

21 MS. KLEIN: I understand. So Suite F is
22 currently occupied under lease.

23 THE WITNESS: Yes, ma'am.

24 MS. KLEIN: And what would be the rental
25 payment due under the lease for Suite F?

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1 THE WITNESS: Now, this was not occupied, it
2 was vacant. This suite was vacant for about a year, and
3 it was dirty and everything, and Sean wanted some room,
4 so I said, Okay, you have got to clean it up and fix it
5 up and then you can use these two rooms or whatever you
6 want in that, it's been vacant for a year. And then when
7 you leave, you have got to clean it up so I can rent it.
8 And the rent, you get her cleaned up, the rent starts the
9 first of April. If you lose the primary, then you pay me
10 at the end of May. I think the primary is May 21 or
11 something like that. If you go through the general, then
12 you pay me at the end of the election. But you have got
13 to clean it up and fix it up.

14 MS. KLEIN: And it's currently being rented and
15 what would be the rental payment --

16 THE WITNESS: I rented it, some people come in,
17 let's see, I think it was the last month in November,
18 some psychologists and they wanted to rent it. They
19 wanted to pay me \$600 a month for it. I said no, that's
20 too much, because you guys are just starting out. So we
21 haggled around and we settled on 550, and then I gave
22 them the keys and said you can start to rent the first of
23 December, so it's been rented for three weeks.

24 MS. KLEIN: And their lease covers the entire
25 suite --

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1 THE WITNESS: Yes, the whole suite, yes, ma'am.

2 MR. MEYERS: Does it include any of the
3 basement?

4 THE WITNESS: Yes, there is a full basement
5 under there, and then there is parking in the back and in
6 the front.

7 MS. KLEIN: Do you pay the electricity and the
8 utilities for this suite?

9 THE WITNESS: No, they pay them.

10 MS. KLEIN: What about the next suite over,
11 Suite E?

12 THE WITNESS: These three are by some doctors,
13 internal medicine doctors.

14 MS. KLEIN: And what would be the rental
15 charged on that?

16 THE WITNESS: They pay \$1,800 a month.

17 MR. MEYERS: For the entire suite.

18 THE WITNESS: Yes, for the three, they have
19 three, 600 apiece.

20 MS. KLEIN: For Suites E, D --

21 THE WITNESS: C, D, and E.

22 Q. (By Mr. Reffner) What about Suites A and B?

23 A. They are rented by these people named CRIP,
24 they used to call themselves, Center Resources for
25 Individual People. It's a handicapped outfit. They rent

1 A and B.

2 Q. How much is their rent?

3 A. Their rent was \$400 a month -- well, you know,
4 they are a charitable organization so I try to do my
5 best, but their rent was \$400 a month for each one of the
6 two suites, so 800, but I think we raised that to 450,
7 started this year.

8 Q. That's \$450 for each suite?

9 A. Yes, I think they pay \$900 starting the first
10 of September.

11 MS. KLEIN: And, again, they assume their own
12 utilities?

13 THE WITNESS: Yes, everybody pays all the
14 utilities. We pay the garbage, I guess.

15 Q. (By Mr. Reffner) And during 1990 the tenants
16 who were occupying that office space, did they occupy
17 that space in 1990?

18 A. No, nobody -- Sean had those two rooms.

19 Q. I am referring to the doctors in Suites C, D
20 and E.

21 A. Yes, they have been in there for about five or
22 six years.

23 Q. And the other organization --

24 A. They have been in their quite a little bit,
25 too.

05 1 1 3 6 2 9 3 7

1 Q. So all during 1990 they were there.

2 A. Yes, sir.

3 Q. And did they pay all of their rent during 1990?

4 A. I don't handle the rent, I don't get the
5 checks, but I think my wife would have said something if
6 they didn't.

7 Q. Did she say anything to you about them not
8 paying rent?

9 A. No, sir. You don't know my wife. She is a
10 saintly lady to put up with me all of these years, I'll
11 tell you that.

12 Q. Now, you said that if Sean got through the
13 primary, he was to pay you in May?

14 A. If he didn't get through the primary, if he
15 lost -- he ran against three other people and he was a
16 maverick just out from the Panama War, and if he didn't
17 make it, then he paid the rent at the end of May.

18 Q. If he did make it, would he have paid the rent?

19 A. No, he only had to pay at the end of the
20 general election.

21 Q. Now I understand. And when you say pay the
22 rent, what amount would he have had to pay?

23 A. Well, the rent started the first of April, and
24 he paid it November 7, I guess, the last day of the
25 election.

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1 Q. So when Sean went to look at the office and you
2 told him, well, you know, if you don't make it through
3 the primary, you will have to pay me in May and if you
4 do, you can pay me at the end of your campaign, did you
5 tell him at that time how much he would have to pay?

6 A. He knew, no matter if he lost even the primary,
7 he had to clean the joint up and get it ready that I
8 could rent it, because the last tenant left it in pretty
9 tough shape, so that was the deal.

10 Q. Is there a dollar amount of rent that you told
11 Sean that he would have to pay?

12 A. \$400 a month starting the first of April.

13 Q. And did you make Sean pay a deposit for the
14 suite?

15 A. No, I did not.

16 Q. Do you make your other tenants pay a deposit
17 for their --

18 A. They pay the first and last months' rent.

19 Q. What do you do with the first and last month's
20 rent that they pay you?

21 A. What do I do with it?

22 Q. Yes.

23 A. My wife takes care of it; I don't do anything
24 with it, sir.

25 Q. Now, you say that your tenants pay their own

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1 utilities.

2 A. Yes, sir.

3 Q. Did Sean pay his utilities?

4 A. I don't know, sir.

5 Q. Did you offer to pay Sean's utilities?

6 A. No, sir, I don't handle that.

7 Q. Do you know if your wife --

8 A. I don't know, sir.

9 Q. The suite that Sean occupied in that building,

10 was it furnished?

11 A. No, sir.

12 Q. Did Sean bring any furniture in?

13 A. I think he did, but I am not sure, sir.

14 Q. Did you ever go into that office?

15 A. Yes, I have been in there from time to time.

16 Q. And how many times?

17 A. I didn't live in there, there wasn't much going

18 on, to tell you the truth, but I went in, I don't know,

19 whenever I wanted to.

20 Q. Did you have a key?

21 A. Yeah, I have got a key; we had a key, yeah.

22 Q. And when you say "we" you mean --

23 A. Well, the family had a key, you know, my wife

24 has a key, I have a key to the office.

25 Q. Do you know where Sean might have gotten the

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1 furniture for his office?

2 A. I don't know, he may have had some or had some
3 from -- I had an old office that I closed down, I don't
4 -- if he had some used furniture, I don't know where he
5 got the furniture.

6 Q. Did you help him obtain any furniture?

7 A. I can't remember, sir.

8 MR. MEYERS: Mr. Reffner, when you talk to Mr.
9 Sean McDevitt, you are going to find out that he had five
10 chairs, four of which held up a piece of plywood. That
11 was his desk. His computers he owned pre-existing and he
12 has a fax machine and he has where he paid for the fax
13 machine, and that was the scope of his furniture.

14 MR. REFFNER: I guess we can find that out when
15 we talk to Sean.

16 Q. Now, the building, what was the general
17 condition of the building, was it in good shape?

18 A. It's a nice building, you know. The roof leaks
19 from time to time but pretty good. The inside, like I
20 said, was in pretty rough condition from the last tenant.

21 Q. Just a few more questions about the office.
22 You had outlined a section of the suite. Is that the
23 only part of the suite that Sean used?

24 A. That was most of it, yes, sir, I think so.

25 Q. What was the rest of the suite used for?

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1 A. Nothing.

2 Q. Just empty?

3 A. Yeah, mostly vacant; I don't know if there was
4 anything in there.

5 Q. Was it used for storage?

6 A. Might have used it for storage, yes. But he
7 cleaned it up; that was the deal, they were supposed to
8 clean it up.

9 Q. Did they clean it up?

10 A. They cleaned it up good, he did a good job,
11 because I got it rented after another year.

12 Q. The tenants that were in the building where
13 Sean's office was, is their tenancy under a written
14 lease?

15 A. No, sir.

16 Q. It's all oral?

17 A. Yes, sir.

18 Q. And your lease with Sean was --

19 A. Oral.

20 Q. It's my understanding that Sean may have also
21 used a vehicle owned by the Little Red Hen.

22 A. Yes, sir.

23 Q. Is that true?

24 A. Yes, sir.

25 Q. Could you tell me about this vehicle?

1 A. It's a white pickup truck.
2 Q. What model, make --
3 A. It's a 1990 Ford F-150 four by four, six
4 cylinder, I think.
5 Q. And it's owned by the Little Red Hen?
6 A. Yes, sir.
7 Q. Is it still owned by the Little Red Hen?
8 A. Yes, sir.
9 Q. And when did the Little Red Hen purchase this
10 truck?
11 A. Well, we needed a truck. I ordered one in
12 1988, the fall of 1988, and then I had my surgery so I
13 didn't know what I was going to do, so I called up and
14 canceled it. And then in 1990, the fall of 1990, I
15 ordered a truck, and I think it came in in February or
16 March.
17 Q. And how did you know that it came in in
18 February or March? Did the auto dealership call you?
19 A. I ordered it, see, and they didn't have what
20 they wanted on their lot, so they called and said your
21 truck is in.
22 Q. Who went down and picked it up?
23 A. I did.
24 Q. And when did Sean start using the truck?
25 A. He could use it any time he wanted. He had to

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1 use it working on the ranch, and then used it, you know
2 -- he was in it and working on the ranch and I was in it,
3 you know.

4 Q. So both of you used the truck?

5 A. Yes, we used the truck, my wife used the truck.
6 That was one of the deals. I had to get an automatic
7 transmission and running boards because she wanted to use
8 the truck.

9 Q. Did you use the truck each month of 1990?

10 A. Sure I used the truck, yes.

11 Q. Sean, did he use the truck in 1990?

12 A. Sure.

13 Q. How much mileage was put on the truck between
14 the time you received it --

15 A. I think I made a record of the total mileage at
16 the end of the campaign.

17 THE WITNESS: Did we send them that?

18 MR. MEYERS: I think we did.

19 MS. KLEIN: No.

20 MR. REFFNER: There is a document and I can
21 bring it out now.

22 MR. MEYERS: Bring out the document and let's
23 see.

24 MR. REFFNER: Off the record.

25 (Discussion off the record.)

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1 MR. REFFNER: Back on the record.

2 A. It was 36,840 miles, that's what we had, I
3 think, around November 7.

4 MR. REFFNER: I would like the record to
5 reflect that the respondent, Dr. McDevitt, is looking at
6 a note that's in a file that he obtained from a
7 briefcase.

8 Q. Could you state again the mileage?

9 A. 36,840 miles.

10 Q. So this truck was received by you in February
11 or March of 1990 --

12 A. Yes, sir.

13 Q. -- and by November 7 it had 36,840 miles.

14 A. Yes, sir.

15 Q. Did Sean use this truck for his campaign?

16 A. Yes, sir, he did.

17 Q. What type of uses for his campaign?

18 A. Well, the deal was -- of course he had to use
19 the truck for the ranch, and he had to clean it up and
20 use it for campaigning if he wanted. It would be ten
21 cents a mile and he had to pay his own gas.

22 Q. And do you have any documents that might
23 reflect this?

24 A. Just oral, that's the deal.

25 Q. And when did you reach this deal?

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1 A. Well, when he first got in the truck. Well, it
2 was 60 percent. Well, Mr. Meyers is pointing out that at
3 the end of the campaign it had 36,840 miles, and I figure
4 60 percent was campaign use, and then he had to pay ten
5 cents a mile.

6 Q. What about any repairs on the truck during this
7 time?

8 A. Well, we worked out -- if he'd bang it up, he'd
9 have to pay for it.

10 Q. Did he ever bang it up?

11 A. I think after the campaign it got banged up on
12 the side, I don't know; I don't know whether that was
13 before or after, I think it was after -- it was after the
14 campaign, he was doing farm work and he banged it on the
15 side.

16 Q. Now, you say that Sean's campaign's use of the
17 truck was 60 percent.

18 A. Yes, sir.

19 Q. That's 60 percent of the 36,840 miles?

20 A. Yes, sir.

21 Q. How did you come to that determination?

22 A. Just figured, well, he used it for the ranch
23 but he used it pretty heavy for his campaign, too, so
24 figured we'd sock him with the most we could.

25 Q. Well, now, if he used it on the ranch and used

1 it on the campaign, was there a logbook that Sean might
2 have --

3 A. Not that I know of.

4 Q. Is there any other record that Sean might have
5 submitted about -- well, I mean he might have come to you
6 and said, look, here is an invoice that shows that I
7 drove a hundred miles today or here is something from the
8 gas station or --

9 A. No, sir.

10 Q. So no type of invoice regarding his mileage?

11 A. No, sir.

12 Q. Any other type of document about the truck Sean
13 might have given you?

14 A. No, sir. I didn't handle the bookwork anyway.

15 Q. And who handled the bookwork for the --

16 A. My wife, sir.

17 Q. Are there any other vehicles that the Little
18 Red Hen owns?

19 A. Yeah, we have got a '51 Dodge grain truck,
20 that's what we got. And then we have got a '70 tractor
21 and another '65 or '70 tractor.

22 Q. What about any vehicles that you might own?

23 A. What I own?

24 MR. MEYERS: Personally or the corporation?

25 MR. REFFNER: The vehicles that he personally

504362347

1 owns.

2 A. That I personally own, me and my wife?

3 Q. Yes.

4 A. Well, as the flags fleet of the ship we have an

5 '89 Cadillac, my wife's car, and I have an '84 Toyota, an

6 '84 Pontiac, and an '84 Toyota pickup.

7 Q. And did you own those cars in 1990?

8 A. Yes, sir.

9 Q. And those were the only cars you owned in 1990?

10 A. Well, I bought that car from Sean, he sold it

11 to me in the last part of 1990, that Plymouth.

12 Q. So that would have been the fifth car?

13 A. Yes, sir.

14 Q. The car that you bought from Sean, do you still

15 have that?

16 A. Yes, sir.

17 Q. Do you drive that car?

18 A. No, sir. I own the car but I don't drove it.

19 In July or August Sean's wife come back from Desert

20 Storm, so I let her take it.

21 Q. Did you sell it to her?

22 A. No, sir.

23 Q. You just gave her the car back?

24 A. What, sir?

25 Q. You just returned the car to her?

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1 A. Well, she can use it. I have the title, sir.
2 Q. So you are still the owner of the car she uses.
3 A. Yes, sir.
4 Q. Does she pay you for her use of the car?
5 A. No, sir.
6 Q. Do you know if Sean drives that car?
7 A. I don't think he drives it.
8 Q. What kind of car does Sean drive now, do you
9 know?
10 A. Well, I don't know, is this all important? Are
11 you into cars or what?
12 Q. I am just curious, I wanted to find out --
13 A. Sure. I don't know, anyway. He is working and
14 he has a company car that he has got, and he has an old
15 BMW I think he has. I don't mean to sound smart aleck,
16 excuse me.
17 Q. That's all right. Now, when you got the truck
18 in February or March of '90, I realize that you first
19 ordered the truck in 1988 and then you were sick.
20 A. Yes, sir.
21 Q. So did you call the company, the auto
22 dealership, back up and say I want a truck now?
23 A. Yes.
24 Q. When was that?
25 A. That was in 1989, November, probably.

1 Q. Did you tell them what you were going to use
2 the truck for?

3 A. No, I don't recall. I wanted to start back
4 with the ranch, the farm.

5 Q. Did you think that Sean might use the truck
6 when you ordered it?

7 A. That wasn't my intention, no, sir.

8 Q. Did you think that he might use it when you
9 ordered it?

10 A. I hadn't thought about it. Not a bad idea.
11 That hadn't been my idea, no, sir.

12 Q. The cost of ten cents a mile that you said that
13 you were going to charge Sean for his use, how did you
14 come to ten cents a mile?

15 A. It's just fair, I guess. I had the truck, I
16 don't know, I just figured that would be a fair price, I
17 don't know what to charge. He paid the gas and I was
18 just getting ten cents a mile.

19 Q. Do you let other people use the truck besides
20 Sean and --

21 A. Do I rent out trucks, sir? No, I am not
22 renting out trucks, sir. If you want to borrow my truck,
23 I'll let you borrow it for nothing. I am sure you are
24 Hatched.

25 MR. MEYERS: Dr. McDevitt, your humor and

1 nervousness won't show through when we read the black and
2 white and Mr. Reffner's questions are getting a little
3 far --

4 THE WITNESS: Okay.

5 Q. Just to cover one more area with you, Dr.
6 McDevitt.

7 MS. KLEIN: I have got just a couple of areas
8 to clear up.

9 Q. (By Ms. Klein) I am sure you will be very
10 pleased to know that the government pays a witness fee
11 for people when they attend deposition, I believe that
12 it's been raised to \$40 for your appearance. I'd prefer
13 not to be quoted on the exact dollar figure. Also
14 included is a mileage from your home to the deposition,
15 and while I know we are in a smaller community, could you
16 give me a ballpark figure of what your mileage would be
17 today from home to the federal building?

18 A. Home to the federal building?

19 Q. Yes.

20 A. Nine hundred yards.

21 Q. All right, we'll add that in, I am sure.

22 A. That's it, I just live three and a half blocks
23 away.

24 MR. REFFNER: I guess we could say one mile.

25 MS. KLEIN: That will be forthcoming to you.

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1 We appreciate your cooperation and I know this is not
2 exactly how you would want to be spending your time. Did
3 you receive copies of the correspondence, the subpoena
4 that was sent to you to appear here today?

5 THE WITNESS: Well, you sent me some stuff,
6 didn't you, Jay?

7 MR. MEYERS: My office did. I don't vouch for
8 anything that you got sent in November.

9 THE WITNESS: I received a copy of that from
10 his office. One page was missing but I didn't understand
11 it anyway. I didn't receive a copy of the time or
12 anything, but I did check with Mr. Meyers' office.

13 MR. REFFNER: Mark this as Federal Election
14 Commission Exhibit No. 6.

15 (Federal Election Commission Deposition
16 Exhibit No. 6 marked for identification.)

17 Q. (By Ms. Klein) Dr. McDevitt, if you will look
18 at this. The first page, as you will note, is a letter
19 from the Federal Election Commission bearing the Federal
20 Election Commission insignia dated November 12, 1991. It
21 is addressed to Mr. Jay Meyers, Esq. It bears the
22 caption of MUR 3164, and you will find your name, Thomas
23 J. McDevitt, in the caption as well.

24 A. Yes, ma'am.

25 Q. Toward the end of this stapled document there

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1 is also a copy of the subpoena that was issued requiring
2 you to appear for deposition today and to produce
3 documents listed on the attachment; is that correct?

4 A. Yes, ma'am.

5 Q. Did you have an opportunity to read this
6 document?

7 A. Yes, ma'am, like one page was missing, but --

8 Q. Let's see what that page would have been.

9 A. Well, it was back here, on the other one that I
10 got, not on this one.

11 Q. If you will bear with me, on what is entitled
12 Page 5, addressed to you, is a request that you produce
13 all documents pertaining to the establishment,
14 administration, and termination of the Draft McDevitt for
15 Congress committee, correct?

16 A. Yes, ma'am.

17 Q. Now, have you produced all such documents?

18 A. Yes, I think I did. I gave it a brochure and
19 there was a letter in it that I sent out with the
20 brochure. Is that a document?

21 Q. Yes, that would be a document. A document is
22 defined on Page 4 to mean books, letters, contracts,
23 notes, diaries, log sheets, records of telephone
24 communications, transcripts, vouchers, accounting
25 statements, ledgers, checks, money orders, or other

1 commercial papers, telegrams, telexes, pamphlets,
2 circulars, leaflets, et cetera, et cetera.

3 A. Okay. Well, I don't know whether I gave you
4 everything or not.

5 Q. Let me be direct with you. The reason I am
6 questioning this is because we have never seen copies of
7 phone logs, and you have read from phone logs today; we
8 have not seen bank statements, although you referenced
9 various accounts; you have read us a statement from a
10 memo that you have written about the mileage for the
11 truck, which would reference another document request.
12 And my concern is that there has only been a partial
13 production of the documents, and I would like to try to
14 address that to see if we can't complement it.

15 A. Whatever you want. Well, here is just the
16 truck thing, I volunteered all along to show you all of
17 this stuff, you know.

18 MR. MEYERS: That's fine, we have not produced
19 all of them for them, apparently we haven't given them
20 telephone logs, and you guys go back through your
21 telephone records and get that for them.

22 MS. KLEIN: It seems to me that there has been
23 a failure to produce a substantial amount, a portion
24 here. Dr. McDevitt has come in with a briefcase that is
25 full of documentation as well as two files on the floor,

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1 and I would like to have an understanding as to why these
2 documents were not produced and what arrangements could
3 be made to have them produced to us.

4 MR. MEYERS: One, as you well know the
5 difficulty we had even scheduling this matter, and we
6 sent you documents and said if there is any problem,
7 please let us know, and you probably did not receive that
8 until Monday. Two, we have brought documents today to
9 share with you as needed or to make reference for
10 copying. There has been no attempt here to hide anything
11 from you on any of these things.

12 MS. KLEIN: It's hard for us to, in terms of a
13 request if we need anything else, to know what we would
14 need if we don't know that it's there. But let's try to
15 make an arrangement whereby we can have time to review
16 the documents that are responsive to this request. We
17 have all afternoon. If you would like to let us review
18 your documents in this room, we'd be glad to make that
19 use of our time this afternoon.

20 THE WITNESS: I'd help in my way I can --

21 MR. MEYERS: Wait, let's back up. Let's go off
22 the record.

23 MS. KLEIN: I would like to know on the record
24 what was done --

25 MR. MEYERS: Let me ask my client questions. I

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1 am not putting it on the record --

2 MS. KLEIN: Sure, hammer it out, but we will
3 definitely summarize so we have for the record, there is
4 a failure to respond fully and adequately to a federal
5 administrative subpoena, and I want it on the record what
6 efforts were taken to do so and, more importantly, what
7 we can do to cure the deficiency. So if you would like
8 to go off the record, that's fine, but I reserve my right
9 to summarize it on the record.

10 MR. MEYERS: Come on, Dr. McDevitt.

11 MS. KLEIN: Let the record reflect that counsel
12 has risen and taken his client outside of the room.

13 (Discussion off the record.)

14 MR. MEYERS: Pull out your documents and start
15 showing them exactly what you have got. We have got all
16 afternoon and they do, show them what you have in your
17 briefcase and make sure you show them those other things.

18 THE WITNESS: Don't they want any explanation
19 or anything?

20 MR. MEYERS: Let's just start going through the
21 records.

22 THE WITNESS: Go ahead, if you have any
23 questions, ask me, whatever you want.

24 MR. MEYERS: We can make arrangements for these
25 to be copied over the noon hour if we have got some time.

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These are the checks that we thought you wanted.

MS. KLEIN: Off the record.

(Discussion off the record.)

MS. KLEIN: Let the record reflect that with the agreement of counsel and the deponent we are working through the materials that he brought to determine what items should be Xeroxed.

MR. MEYERS: Fine.

MS. KLEIN: And at this point we will adjourn the oral taking of the deposition.

(Deposition concluded at 12:50 p.m.)

* * * * *

15043620357

Thomas J. McDevitt, U.S.
418 East Lombard
Pasadena, ID 83802

15 June 1969

Dear Sir

I am writing in reference to your attempt to have me the Republican candidate for U.S. Congress. While I am a member of the Armed Forces, and as such, cannot participate in any political activity.

Please cease and desist all political activities or solicitations with regard to myself. I cannot, nor will I authorize any political actions by your committee or any others for my name, and no campaign on my behalf for any political office. Thank you for your letter.

Very Sincerely,
Thomas J. McDevitt

Sean D. McDevitt



Federal Election Commission
449 G. Street
Washington, D.C.

Dear Sir:

I have delayed sending you the report which I needed to. He didn't want to draft. However, for the sake of the draft, demanded that I draft. However, for the sake of the draft, demanded that I draft. However, for the sake of the draft, demanded that I draft.

Last year, myself and others had the idea to draft by using the money we had available. It was handed and mailed out. The money was used before the draft. The draft was then the contribution.

The idea of the draft was to have lawyers involved in the effort. The draft was to be a joint effort.

Sincerely yours,

T. McDavitt

DEPOSITION
EXHIBIT
FEC # 2
T. McDavitt

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:)
The Deposition of) MUR 3164
SEAN McDEVITT)

WHEREUPON, on the 20th day of December, 1991,
at the hour of 9:00 a.m. the deposition of SEAN McDEVITT,
produced as a witness at the instance of the Federal
Election Commission in the above-entitled action, was
taken before Jean M. Buchanan, CSR and notary public,
State of Idaho, in the United States Courthouse, 250
South Fourth, Pocatello, Bannock County, Idaho.

APPEARANCES:

For the Deponent: M. JAY MEYERS
McDevitt, Meyers & Thomsen
Attorneys at Law
Seventh and Lander
Pocatello, Idaho

For the Federal Election Commission: LISA E. KLEIN
CRAIG DOUGLAS REFFNER
Attorneys at Law
999 E. Street, N.W.
Washington, D. C.

RECEIVED
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Exhibits:

No. 1 - Letter 6/15/89..... 42
No. 2 - Handwritten Note 11/23/90... 55
No. 3 - Motor Vehicle Titles..... 59
No. 4 - Promissory Note..... 61
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1 P R O C E E D I N G S

2
3 SEAN McDEVITT,

4 called at the instance of the Federal Election
5 Commission, having been first duly sworn, was examined
6 and testified as follows:

7 EXAMINATION

8 BY MR. REFFNER:

9 Q. Could you state your name?

10 A. Sean McDevitt.

11 Q. And spell your last name?

12 A. M-c-D-e-v-i-t-t.

13 Q. And, Mr. McDevitt, are you represented by
14 counsel today?

15 A. Yes.

16 Q. What is your counselor's name?

17 A. M. Jay Meyers.

18 MR. REFFNER: For the record, this is the
19 deposition of Sean McDevitt taken pursuant to Section
20 437(g), Federal Election Campaign Act of 1971 as amended,
21 and in connection with the Federal Election Commission's
22 investigation in the matter under Review No. 3164.

23 Q. Mr. McDevitt, I don't know whether you have
24 ever had your deposition taken before, but I wanted to
25 begin by explaining a few of the procedures for this

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1 deposition to you. I am going to be asking you a series
2 of questions about your activities or activities that
3 other people may have conducted. It's very important
4 that you answer my questions verbally since the court
5 reporter cannot record your gestures or nonverbal
6 responses. Do you understand?

7 A. Yes.

8 Q. It's also important that you answer each
9 question fully and completely and that you don't
10 speculate about your answers. If you realize that an
11 answer that you may have given is inaccurate or
12 incomplete, just let me know and I'll give you a chance
13 to go back and modify that answer. Can we agree on that?

14 A. Sounds great.

15 Q. If you don't hear or understand one of my
16 questions, just let me know and I'll raise my voice or
17 rephrase the question so that you do understand it.

18 If you fail to indicate that you have not
19 understood one of my questions, then I'll assume that you
20 have completely understood it, and I will also assume
21 that you have completely answered the question. Do you
22 understand?

23 A. Sure.

24 Q. And, lastly, I would like to remind you that
25 the testimony you are about to give today is being given

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1 under oath and you should treat that testimony as though
2 you were testifying in a court before a judge and a jury.
3 Do you understand?

4 A. Yes.

5 Q. Do you understand all of these instructions?

6 A. Yes.

7 Q. I'd like to begin by asking you some
8 preliminary questions. Could you tell us your address?

9 A. Sure, my address is P. O. Box 2391, Everett,
10 Washington 98203.

11 Q. And do you have a residential address?

12 A. Yes, I do.

13 Q. And what would that be?

14 A. I prefer to keep that private, but all my mail
15 goes to my P. O. box.

16 Q. How long have you lived in Everett, Washington?

17 A. Well, I have lived in that area since about the
18 first part of March of '91.

19 Q. And before that where did you live?

20 A. I spent about a month in Portland, Oregon,
21 undergoing some training, and then prior to that I lived
22 in Idaho, and prior to that I was in the service. I
23 lived in Idaho for about a little over a year, about 13
24 1/2, 14 months, and then, like I said, prior to Idaho I
25 was in the service for a number of years.

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1 Q. And what would be the dates that you lived in
2 Idaho, for example, did you move there in January?

3 A. I was born in Idaho and then we went away for a
4 few years when I was very young so my father could go to
5 some of his medical schooling, and we lived in different
6 parts of California. We came back to Idaho, and then I
7 basically lived there from -- gee, I have had to fill all
8 of these things out before -- I'd say from grade school,
9 and I graduated from high school here, I went to Poky
10 High and graduated from Pocatello High School. And then
11 after that graduation then, of course, I went back east,
12 I went to West Point for my education. And then I
13 graduated from there and then Uncle Sam got ahold of me
14 and sent me around the world to do his bidding, and then
15 after I completed my service, then I came back to Idaho
16 in January, first part of January of '91.

17 MR. MEYERS: Excuse me, Sean. While you were
18 in the military, what was your legal residence?

19 THE WITNESS: My legal residence was the State
20 of Idaho and I paid Idaho tax and all of that other good
21 stuff, Idaho driver's license, all the other benefits
22 associated with living here.

23 Q. Now, you say that after you completed your
24 military service you moved to Idaho in 1991?

25 A. Oh, I am sorry, 1990. Next time I'll be saying

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1 I was born in '91. No, it was 1990, right, January of
2 '90.

3 Q. What was your address?

4 A. It was 237 South Seventh in Pocatello.

5 Q. And was that your house?

6 A. My own personal house?

7 Q. Yes.

8 A. No, that was my parents' house.

9 Q. Are you married, Mr. McDevitt?

10 A. Yes, I am.

11 Q. And your wife's name?

12 A. Rebecca Sue.

13 Q. And how long have you been married?

14 A. I better get this one right. Let's see, I have
15 been married since June of '89.

16 Q. And is this your first marriage or have you
17 been married before?

18 A. No, this is my first one, and it will be my
19 last one, I am very happy.

20 Q. Do you have any children, Mr. McDevitt?

21 A. No, sir.

22 Q. Now, you say you went to West Point. Could you
23 give me a synopsis of your education?

24 A. Can I just give you a brief synopsis basically
25 all the time up to the election as far as my life

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1 experiences?

2 MS. KLEIN: If it's brief.

3 A. It's brief, believe me, I am not on the stump.
4 Like I say, I grew up here and spent all of my formative
5 years here in Pocatello. While I was in Pocatello I went
6 to school at Pocatello High School, was very active in
7 sports, especially boxing and running and cross-country
8 and that sort of thing. That took up a lot of time. Any
9 other free time I had I did spend up at the ranch working
10 up there, and I was kind of a jack-of-all-trades up
11 there. I had to fix all the equipment, cut all the hay,
12 bale it, feed the cows, take care of the fences. There
13 is at least six miles of fences on that place, and it's a
14 pain --

15 MR. MEYERS: Tell him your educational
16 background, I think that's what they really want.

17 A. Okay, after high school I was fortunate enough
18 to be accepted into West Point and I went to school
19 there, started I think in the summer of '81, it would
20 have been, and I went through a lot of schooling there.
21 I got my major in computer engineering and a lot of my
22 extracurricular activities were focused primarily on the
23 military itself or on international affairs and that sort
24 of thing. I graduated with honors from West Point and it
25 just proves that you can get lucky.

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1 Then after that I was employed by the United
2 States Army and I went through a number of schools in
3 Fort Benning, Georgia, and other places. After that I
4 got sent out to an overseas tour in Korea. There is
5 about two different types of people that serve overseas.
6 There is the kind that tend to stay in the rear areas and
7 basically ride a desk, and then there are those that have
8 to go out and do the dirty work and patrol and catch
9 bullets and things like that, and I was one of the
10 latter. We were on the furthestmost deployed U.S. base
11 and I actually pulled patrols into the demilitarized
12 zones in between the two Koreas with live ammunition and
13 with orders to take care of anybody that might be south
14 of a certain point. At that time that was the only place
15 to get real combat experience, since it was relative a
16 peace time army.

17 Fortunately I didn't lose any people there to
18 enemy fire, but as a result of my performance in Korea I
19 was selected under an extremely competitive system to go
20 into what is known as the United States Army Rangers, and
21 I'll give you an extremely brief background on these
22 folks, because they aren't talked about very much. The
23 Rangers are the United States Government's shock troops.
24 They are the commandos. You can liken them to the
25 British SAS, they are just the elite force that's used to

1 combat other military forces.

2 You have got Delta Force to take care of
3 terrorists. Terrorists aren't really a military force.
4 You have got the SEALs to blow up ships. But when it
5 comes to actually putting somebody on the ground to take
6 care of another person's military, you have got the
7 Rangers. They have a significantly expanded budget
8 compared to everybody else, and when they train, it's
9 real world. We don't train in the states necessarily, we
10 go out to other countries and we train --

11 MS. KLEIN: Excuse me, we understood that you
12 also as part of the Rangers participated in the Panama;
13 is that correct?

14 THE WITNESS: Yes, I have done numerous
15 operations, most of them I can't mention here, but we
16 have been involved in operations in Central and South
17 America, I have been to Africa several times, north
18 Africa several times, Persian Gulf region a number of
19 times, and these were not training exercises. And then,
20 you are right, I did command four aircraft going in on
21 the Panama invasion, about 170 people. We jumped in
22 there. Unfortunately I did lose two people there, had
23 numerous injured, but I think the troops did an excellent
24 job on suppressing the objective there.

25 What I am trying to get at is I pretty much put

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1 myself in the breach on the front lines of all this
2 stuff, and it is a great way to develop early arthritis
3 and nerve damage and ruin your hearing and everything
4 else, but it was also very challenging.

5 Q. (By Mr. Reffner) Did you have anything else
6 that you wanted to add?

7 A. That's basically it. You know, when I am with
8 the service, like I say, when I was with the Rangers, I
9 was technically gone most of the time. I had a residence
10 in Washington but I used to pay my rent in six-month time
11 periods, didn't subscribe to a newspaper because it would
12 pile up. I was gone at least three weeks out of every
13 month. I'd have to go, and when we would go somewhere,
14 when the Rangers go somewhere, there are no telephone
15 lines, there are no TV's, other than CNN we get, but that
16 is it. It's severe isolation. And I just really got
17 lucky that I was able to marry my wife, despite those
18 conditions.

19 Q. Now, when you left the military service and
20 came back to Idaho, what did you do when you came back
21 here, did you work?

22 A. You are talking about when I came back in
23 January of '90?

24 Q. Yes.

25 A. Of course prior to that when I was out of the

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1 states with the service, obviously I was paid by the U.
2 S. Government. They got every dime out of me they
3 possibly could. When I came back to Idaho, I was
4 employed at the ranch doing much of the same of what I
5 did while I was at West Point. You know, basically a lot
6 of it had run down since all the people that normally
7 worked the ranch had left. We were in the process of
8 looking at the viability of producing some money from the
9 ranch rather than just paying taxes on it, so I had my
10 work cut out for me as far as doing a tremendous amount
11 of fencing, machinery maintenance.

12 And in the winter when I came back it's a full
13 time job. The city will plow up to about a half mile
14 before the main ranch building complex, so I'd have to
15 take care of the other half, and while we don't have a
16 whole lot of snow here now, in the early part of the year
17 generally we have a lot of snow, so I'd have to plow the
18 roads, like I said, take care of all the animals and that
19 sort of thing.

20 MR. MEYERS: I don't want to interject too much
21 and I apologize, but you were married in June of '89.

22 THE WITNESS: Right.

23 MR. MEYERS: And you come back and you start
24 living with your folks in January of 1990.

25 THE WITNESS: Right.

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1 MR. MEYERS: And I think that on the way back
2 to Washington, D.C., these people are going to say where
3 is Becky in January of 1990.

4 THE WITNESS: Sure. Okay, my wife, I am sorry,
5 I neglected to mention this, my wife at the time was in
6 the service also, that's how we met, she was an army
7 nurse, and she was living up in the Olympia, Washington,
8 area at a duplex that we were renting. And she was
9 staying up there. And we had -- you know, she tried to
10 make it down as often as she could to visit, but being
11 married to me as a Ranger, she actually saw me more when
12 I moved back to Idaho than she did when I was supposedly
13 living with her.

14 Q. (By Mr. Reffner) And when you worked at the
15 ranch, did you have a particular title?

16 A. I guess you could -- there is no given title.
17 I mean the pay is the same no matter what the title is.
18 I basically did everything; I was the cattle feeder, I
19 was the cattle breeder. We have a lot of artificial
20 insemination, it saves money when you contrast that with
21 the bull. That was one of my jobs, one of my more less
22 celebrated jobs. We had, like I said, machinery
23 maintenance, and even though the land is not that
24 productive, it's not that rich, it still requires a
25 tremendous amount of work to keep it going.

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1 Q. What about in Washington state, in Everett,
2 what do you do now?

3 A. I am a pharmaceutical technical sales
4 representative. What that means is I go around and I
5 advise doctors on drug interactions and what they might
6 want to use in different scenarios so that when you, the
7 patient, come in to see them, there is so many drugs -- I
8 specialize in hypertensive medications and arthritic
9 medications. There is 300 hypertensive medications on
10 the market, so I basically keep them straight on
11 preventing side effects and that sort of thing.

12 Q. What is your employer's name?

13 A. Pfizer, P-f-i-z-e-r, Pharmaceuticals.

14 Q. Have you ever run for a public office other
15 than your campaign in 1990?

16 A. That's a good question. No, I haven't. The
17 only office that I ran for, I think, was president of the
18 Honor Society in high school and a couple of clubs at
19 West Point, that was it, no public office.

20 Q. Did you ever participate in anyone's election
21 campaign for office?

22 A. No, I didn't. You know, even in high school I
23 did not, because I was really involved in sports,
24 academic pursuits and slaving away at the ranch. When I
25 was at West Point, that's active duty military and, as

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1 you are well aware, the Hatch Act prohibits any
2 involvement with politics, and I was apolitical and, to
3 be honest with you, I didn't have any time to be involved
4 in anything else besides studying; 21 to 23 credits a
5 semester, it keeps you busy.

6 Q. You weren't a volunteer on any --

7 A. No, absolutely not.

8 Q. Paid staff member?

9 A. I wish but, no, I wasn't. I wasn't privy, I
10 didn't participate in, I didn't talk about, I didn't do
11 anything, volunteer, paid, or otherwise for any political
12 campaign whatsoever in any country on this great planet.

13 Q. No contributions?

14 A. No contributions, no nothing. Like I said, I
15 was in the army, I was poor as a church -- poor as a law
16 student. I didn't have any time.

17 Q. Have you ever attended any classes on the
18 political system?

19 A. I had some political science classes in
20 college, I had a required three-hour class, I think,
21 there.

22 Q. How about any seminars on campaigning?

23 A. Are you talking about the specific intricacies
24 of running a campaign and campaigning or are you talking
25 about --

1 Q. I am talking about running a campaign.

2 A. My total education on that was when I came back
3 and I had announced. At the end of January, 1990, I went
4 back to the National Republican Congressional Committee's
5 Candidate -- called Candidate Information School, I think
6 it was called. And that consisted of two days in the Key
7 Bridge Marriott in beautiful Washington, D.C., and it was
8 really a shotgun blast.

9 I mean I couldn't even -- when I was in the
10 service I couldn't even indicate what party that I might
11 want to be associated with. Of course when I announced,
12 I chose the Republican Party, and I had an awful lot of
13 catching up to do. I mean I was totally new into this
14 thing, I was getting a lot of help, I was getting a lot
15 of help from the local Republicans here in the State of
16 Idaho and from the various Senate staffs and that sort of
17 thing.

18 But there is only so much information you can
19 absorb at one time, at least I can, and I had to go back
20 to this campaign school, and they gave us even more of a
21 shotgun approach. I mean two days to basically teach you
22 everything you have to know about how to run a campaign.
23 I was just getting into this, I was a newcomer,
24 basically, and it was tough.

25 Q. We can come back to that.

1 A. Sure. I am trying to make sure you get a
2 complete answer to your question.

3 Q. Thank you. Did you prepare for the deposition
4 today?

5 A. I reviewed the forms that you had sent to my
6 lawyer, that's about it. I mean I could see it was
7 pretty basic, so I am ready to answer any question that
8 you want.

9 Q. Did you review anything else other than these
10 forms?

11 A. No.

12 Q. Did you gather any information to prepare for
13 today's deposition?

14 A. Not really, no, as far as -- I mean I talked
15 with --

16 MR. MEYERS: You got your income tax returns.

17 A. I am sorry, thanks. Yes, I submitted the
18 financial statement from the bank to you folks via Jay
19 Meyers, and I also gave you my 1989 and 1990 tax returns.

20 Q. Anything else?

21 A. All the tickets or all the receipts and that
22 sort of thing that you had asked for were included in
23 yesterday's transcript, so I just wanted to make sure I
24 fulfilled all the requirements as per the subpoena.

25 Q. Did you talk with anyone about the deposition?

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1 A. I asked Jay a few questions about it, what it
2 meant, what you folks were basically going to be -- as
3 far as format goes and what you are going to be asking me
4 and that sort of thing.

5 MR. MEYERS: You don't have to talk about what
6 you and I talked about. They are interested in if you
7 talked to any outsiders.

8 Q. Did you talk to anyone else besides Jay in
9 preparing for the deposition?

10 A. No, no.

11 MS. KLEIN: For the record, was anyone else
12 present when you talked with your attorney?

13 THE WITNESS: My father was.

14 Q. I'd like to ask you to focus on the time period
15 from around the end of 1988 until the middle of 1989.

16 A. Okay.

17 Q. Now, I realize that you said that you
18 considered your residency, your official residency, in
19 Idaho and you were paying Idaho taxes.

20 A. Right. That's a common thing. In the
21 military, basically when you go into the military, you
22 can change your residency at any time. When I went into
23 West Point, my residency was Idaho, and we just carried
24 that all the way through. It's a normal thing.

25 Q. And where were you stationed in the military

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1 during that time?

2 A. In '88 to the end of '89, '90?

3 Q. Say about November of 1988.

4 A. Well, I was technically stationed at Fort
5 Lewis, Washington. I was physically present there less
6 than one week out of every month, like I explained
7 before.

8 Q. The other amount of time you would be traveling
9 for the government?

10 A. Right.

11 Q. Now, from November of '88 until June or July of
12 1989 you technically resided in Fort Lewis, Washington?

13 A. Yes.

14 Q. Now, in addition to --

15 A. I mean that's where my mailing address was,
16 that's where my house was, that's where my stuff was.

17 Q. Now, in addition to any travel that you may
18 have taken for the government, did you take any other
19 travel?

20 A. Yes, I went to visit some relatives in Boise
21 one time, they were having a get-together, and then I
22 went to my wedding in West Point, and I went on my
23 honeymoon in the Bahamas.

24 Q. And any other travel besides those --

25 A. Of course the military travel, but that was it.

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1 Q. When was the trip to Boise?
2 A. I believe it was in late January or early
3 February of '89.
4 Q. Was your father in Boise at that time?
5 A. My father -- I am trying to think. No, my
6 father was not there. I am trying to think, was my
7 fiance with me? No, she wasn't, I was traveling alone
8 that time.
9 Q. Now, the same time period, November of '88
10 until about June or July of '89, your father, where did
11 he reside?
12 A. He resided in Pocatello, Idaho.
13 Q. Did you see him at all during this time?
14 A. I saw him at the wedding.
15 Q. And that was the only time?
16 A. That was the only time.
17 Q. Now, what about telephone calls during this
18 time, did you talk to your father?
19 A. I talked to him occasionally.
20 Q. What is occasionally?
21 A. Oh, I don't know, six, seven times; about once
22 a month whenever I was back.
23 Q. Back in Fort Lewis?
24 A. Back in Fort Lewis, right.
25 Q. When you were in Boise did you call him on the

1 telephone?

2 A. No. It was just a get-together of a bunch of
3 my cousins and myself. I have almost a hundred cousins.

4 Q. What was the purpose of the get-together, a
5 family reunion?

6 A. Just to visit some family members, yes, just
7 some cousins I had grown up with.

8 Q. What about any correspondence between you and
9 your father, did you write to your father?

10 A. We'd write occasional notes. I am probably the
11 world's worst letter writer. There wasn't a whole lot of
12 -- really a heck of a lot of correspondence.

13 Q. Well, now, a heck of a lot, is that like the
14 telephone calls, one letter a month?

15 A. Maybe one letter every two, three months; maybe
16 a phone call --

17 MR. MEYERS: Sean, don't speculate.

18 A. I am trying to remember back that far --

19 MR. MEYERS: Don't guess. Tell him exactly
20 what you remember and what you are speculating on.

21 A. I am speculating on the number of phone calls,
22 and I was speculating on the number of letters. I am
23 just characterizing the correspondence as very
24 infrequent.

25 Q. Would you have sent your father a card at

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1 Christmas time or New Year's?

2 A. Of course, and his birthday.

3 Q. When is his birthday?

4 A. His birthday is in late March.

5 Q. So you would have sent him a birthday card
6 then.

7 A. Yes, and a present.

8 Q. How about your birthday?

9 A. My birthday is in February.

10 Q. Did your father send you a birthday card?

11 A. My parents did, but my mother generally writes
12 those cards out.

13 Q. The trip to Boise, you say that you went there
14 to meet some of your cousins. About how many of your
15 family members were there?

16 A. There were three or four, and I also visited
17 one of my uncles.

18 Q. Which uncle was that?

19 A. Charles.

20 Q. And how is he your uncle?

21 A. He is my father's brother. I also visited
22 several other of my father's relatives when I was down
23 there. Since my mother is from Wisconsin, we don't have
24 any of her relatives here.

25 Q. You said your father wasn't there. You have

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1 brothers, don't you?

2 A. Yes, I do, I have three brothers.

3 Q. Were any of them present in Boise for your
4 visit?

5 A. No.

6 Q. Any other immediate family members?

7 A. Well, my sister, Margie, was living there at
8 the time, so was my sister Mary. And of course we got
9 together.

10 Q. And how many days were you in Boise for this
11 visit?

12 A. I think it was just a day and a half, about a
13 day and a half.

14 Q. And did you stay in Boise the entire time?

15 A. Yes.

16 Q. Did you talk about your father with anyone
17 during that time?

18 A. No -- well, I talked to my sisters about our
19 parents and talked about family things, that's only
20 natural.

21 Q. Well, what was the context of the
22 conversations?

23 A. Basically I was concerned about my father's
24 health. and my
25 mother is a diabetic, and I was concerned about her

1 health. And that was primarily the content of the
2 conversations, was worry about their health.

3 Q. What did your sisters tell you about your
4 parents?

5 A. About basically the same thing that I was
6 already aware of, was that my mother's health was -- I
7 mean she wasn't in the best of health, and my father was
8 continuing to undergo tests to make sure that the cancer
9 surgery he had undergone had been successful.

10 Q. Do you know whether your sisters were aware of
11 what your father was doing at that time?

12 A. I know they were aware he was getting cancer
13 surgery. Is that what you are referring to?

14 Q. Well, there is some issue as to your father's
15 enthusiasm about you becoming a member of congress at
16 this time. Did your sisters know that your father was
17 enthusiastic about this?

18 A. I can't speak for what they knew or that sort
19 of thing. I can say that they never mentioned it to me.

20 Q. Did the subject of you running for congress
21 ever come up with your sisters during that visit?

22 A. No.

23 Q. What about with any of your other relatives in
24 Boise when you visited with them?

25 A. No.

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1 Q. You didn't discuss running for congress at all?
2 A. No.
3 Q. Did any of them ever mention anything about a
4 draft committee, a committee organized to draft you for
5 congress?
6 A. No.
7 Q. No one said anything to you about that during
8 that time?
9 A. No.
10 Q. Now, when was the wedding?
11 A. The wedding was in June of '89.
12 Q. What day, do you recall?
13 A. I better. I think it's June 19, maybe June 19
14 or 18 or 14 -- I know it was in June of '89. I haven't
15 forgotten an anniversary yet.
16 Q. Did you send your father an invitation to the
17 wedding?
18 A. Yes, I sent my folks an invitation, my parents.
19 Q. Both your parents.
20 A. Yes.
21 Q. Did they help pay for any of the wedding?
22 A. My parents helped pay for -- let's see, I
23 personally paid for the honeymoon. My folks gave us some
24 cash as a wedding present. Boy, this is where my wife
25 basically handled everything for the wedding, because I

1 was absentee for virtually the whole time prior. My
2 folks probably helped pick up a couple of the hotel rooms
3 for the wedding. That's about the extent of it. My
4 in-laws paid for the -- luckily when you get married in a
5 military facility, the total cash outlay for the wedding
6 and the reception was less than \$3,000, and my in-laws
7 picked up most of that.

8 Q. Were you in on the planning of the wedding at
9 all?

10 A. Very little. In fact there was a development
11 that was happening in the Panama scenario to where I had
12 to go away in April, and I remained gone, cut off,
13 totally out of touch with everyone until four or five
14 days before my wedding. So I came back. I didn't even
15 have to send out wedding invitations, my wife took care
16 of all of that. And I came back to an extremely frantic
17 bride. They were wondering if the groom was even going
18 to show. They had one of my brothers ready as a stand-in
19 because my wife said that there was no way that she was
20 going to miss this, she planned, she was going to kill me
21 and go from there. So I came back to an extremely
22 frantic bride.

23 In response to your question, did I do much
24 planning for the wedding, no, I did virtually nothing. I
25 proposed and that was about it.

1 Q. Did you know about the gift that your parents
2 were going to give you and your future wife?

3 A. No.

4 Q. So it was a surprise?

5 A. It was a surprise.

6 Q. And did they give you the gift at the time of
7 the wedding?

8 A. Yes, sir.

9 Q. Now, the wedding, where did that occur?

10 A. West Point, New York.

11 Q. And your parents attended. How many days were
12 they in West Point?

13 A. Let's see, that's kind of a blur. The wedding
14 was on a Saturday. I believe everyone showed up on a
15 Friday. They either showed up Thursday night or Friday
16 afternoon. I know we showed up on Friday, "we" being my
17 fiance -- no, we showed up probably on Wednesday or
18 Thursday because we had to go take care of the flowers
19 and we had to take care of all the various other things.
20 My folks came in, I think, on Friday, and then I believe
21 we had the wedding and I believe they left Sunday. We
22 went on our honeymoon Saturday night. So I can't speak
23 for what my folks did.

24 Q. Well, did you meet them at the airport?

25 A. No, we met them at the hotel right outside West

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1 Point.

2 Q. Did they meet you at the airport?

3 A. No, we came out on Wednesday; we came out on
4 Wednesday, my fiance and I came out on Wednesday. And,
5 like I say, we rented a car and we had to take care of
6 all the prewedding things. And my folks didn't show up
7 until Friday, I believe. No, we didn't meet anyone at
8 the airport. It was basically we issued very good maps
9 so that the guests could navigate New York City traffic
10 and get to West Point, and we didn't brave it ourselves.

11 Q. How many guests were at the wedding?

12 A. I would say there was probably 50 or 60, there
13 were quite a few. On my wife's side a lot of folks got
14 into a mobile van and they drove over from Ohio.

15 Q. Did you spend a lot of time that weekend with
16 your parents?

17 A. Not a whole lot, no. Like I said, they came in
18 Friday -- we had a rehearsal dinner, we did the wedding.
19 Like I said, I was still not in the good graces of my
20 bride then because I decided to go show someone some
21 sights in New York City and was waiting for the
22 rehearsal, but that's another story. I had spent minimal
23 time with my folks.

24 Q. Did you ever spend any time with your father?

25 A. Yes, spent about, I guess about a half day with

1 my dad, about half a day with my folks and my dad and my
2 brothers and that sort of thing.

3 Q. How did you come to spend a half day with your
4 father?

5 A. Well, it was in the morning -- let's see, I am
6 trying to think. It was on the Saturday morning, I
7 believe it was Saturday morning, and I was forbidden to
8 see the bride, and basically no one else had anything
9 else to do, so my brothers and my father kind of got
10 together.

11 Q. I mean before your father came did you plan to
12 get together with him during this weekend?

13 A. Well, I was hoping he'd come to my wedding,
14 yes.

15 Q. I realize that you hoped that he'd come to your
16 wedding, but I mean did you talk to him before he came to
17 the wedding and say, well, listen, let's get together?

18 A. No.

19 Q. So did you just wake up Saturday morning and
20 say, hey, let's spend some time together --

21 A. No, it was actually all the men were sitting
22 around with nothing to do, and then my father and I
23 started -- we did some talking and my brothers were
24 there, of course. It wasn't anything preplanned, it just
25 kind of happened.

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1 Q. What did you and your father talk about?

2 A. Well, we talked about numerous things. He gave
3 me fatherly advice as far as being married. And we
4 talked about -- he had mentioned the fact that he was
5 interested in me running for the United States Congress
6 at that time. And he asked about the honeymoon because
7 at that time I was -- I mean I had to wear a beeper to my
8 own wedding because there was an operation underway,
9 whether I'd be able to go on my honeymoon or not.

10 Q. Now, when he mentioned you running for
11 congress, can you tell me a little about your
12 conversation?

13 A. Sure. At the time I had numerous career
14 options and he said, you know, he says, I think you'd
15 make a good congressman. I think you are what this
16 district needs. I said, Well, dad, I am not really sure,
17 you know, right now, I have got my military career going,
18 I am exceedingly busy with that and, you know, looking at
19 possibly going to advanced schooling, you know, should
20 that opportunity arise, and at the time I was in a
21 perfect position in my military career. I was getting
22 married, which is the biggest event in my life to date.
23 And I really didn't have a whole lot of time to think
24 about other options.

25 Q. Well, you said you had a lot of career options.

1 A. Right.

2 Q. What were those options?

3 A. Well, one was the military, whether or not to
4 pursue a continuing career in the military, because as
5 far as you know -- different careers, you achieve
6 different positions, they tend to promote a successful
7 career, and at that time I was fortunate to have checked
8 all the blocks to a various successful military career.
9 I mean I couldn't have done anything better and I mean a
10 lot of it was from sheer luck, but I was very fortunate
11 to have been in that position.

12 Other things were I have always wanted to get
13 an advanced degree, either law or business, and I was
14 looking at trying to fund that, how I would go about
15 doing that. I wanted to do that before I had children.
16 I was looking at pursuing that. I was also looking at
17 the fact of, you know, where I wanted to live should I
18 choose to get out of the military. And that coupled with
19 the very real world things that were going on in the
20 military at the time, led for a real full plate on my
21 behalf. I had a tremendous amount to think about.

22 Q. Well, in terms of career option, I mean other
23 than staying with the military and going to school, was
24 there anything else?

25 A. No, that was about it --

1 MR. MEYERS: Wait a minute, Sean. Tell him
2 what you told me about the transition to civilian life.
3 I think that's his question, you misunderstood it.

4 THE WITNESS: I am sorry.

5 A. When you are asking about options, I left out
6 the very obvious one, and that is for the very reason why
7 I wanted to pursue an advanced degree is for employment
8 in the civilian sector, and when I was in the service, it
9 is extremely exciting and very rewarding, in every aspect
10 except for the financial one, and I was looking at -- I
11 know when I was back at West Point there were
12 opportunities to pursue civilian occupations advanced to
13 us.

14 In fact when I was a senior one of the classes
15 that we took was personal money management and career
16 decisions and that sort of thing, and actually very
17 prominent people would come in from throughout the
18 country to try and recruit us. I had Pete Dalkin come up
19 from Kidder Peabody. We had folks from Shearson Lehman
20 house. We had people from Paine Webber, we had people
21 from all these different corporations, IBM, AT&T, and
22 they'd walk in and they'd say, look, we know we can't
23 touch you for four or five years because you have got
24 your service obligation, but in four or five years we
25 want you to consider very strongly working for us. There

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1 was never any doubt in anyone's mind that a person with a
2 West Point diploma could readily obtain employment.

3 Q. Did you have a job lined up when you got out of
4 the military service?

5 A. No -- we are still talking the June-July time
6 frame?

7 Q. Yes.

8 A. I was looking at different things. I had some
9 head-hunter groups that cater specifically to academy
10 graduates and that sort of thing had sent me literature.
11 So that was one of the things that I was considering.

12 Q. Did you employ any of these head-hunters to
13 find a job for you?

14 A. No, I didn't.

15 Q. Now, in the time period we are talking about
16 from November --

17 A. I did go to a seminar, though, for one in
18 Washington. I did go to a corporate career seminar for
19 one of these head-hunter firms and did get the
20 information on seeking civilian employment.

21 Q. And when was this?

22 A. It would have been -- it was two hours one
23 evening, and it was -- I don't know, it was probably the
24 summer or the fall of that year, I can't remember exactly
25 when.

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1 Q. The summer or fall of which year?

2 A. Of '89.

3 Q. Now, at the same time period, say, November of
4 '88 to June of '89, did you know when your military
5 service would be up?

6 A. At that time the service was going through a
7 very marked force reduction and I knew that I could
8 probably -- on paper my obligation was five years, which
9 would have been May of '90, but because of the service
10 reductions, they had changed that and they were making it
11 about four and a half years or so; in some extreme cases
12 they were allowing West Point officers to leave after
13 three years.

14 Q. Now, you say May of '90 was the end of your
15 five years. Could you have insisted on staying in the
16 military until the end of that five years?

17 A. I could have and I could still be there today,
18 absolutely. And, like I said before, they had changed
19 the requirements for people of my situation. We could
20 stay in -- they had reduced the minimum required time of
21 service by quite a bit. They were offering early outs,
22 basically early release from service obligation and
23 encouraging it.

24 Q. When were you notified of your early out?

25 A. Well, I first became aware of it in about the

1 spring and summer of '89. It's not a specific thing
2 where they call you up and they say, hey, Sean, you can
3 get out early. It's done in a method of orders where
4 they say all officers, including service academy
5 graduates of this year group, you have the opportunity to
6 request an early release of service obligation and to
7 basically serve it out in the reserves as opposed to the
8 active army.

9 Q. Did you request to leave early?

10 A. I requested -- then you are getting into the
11 November time frame, that's when I had requested it.

12 Q. That's when you requested it, was in November?

13 A. Right.

14 Q. So if I understand your testimony, you knew in
15 November.

16 A. Of 1989, yes.

17 Q. That you didn't want to be in the military.

18 A. That's when I submitted my formal -- the orders
19 and all that other stuff that went along with it, yes.

20 Q. Now, when did you request to leave the
21 military?

22 A. It would have been in the October-November time
23 frame, I think. Like I said, I am speculating, I don't
24 remember the exact dates.

25 Q. Now, I realize that you could have stayed until

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1 May of '90.

2 A. I could have stayed until May of 2015.

3 Q. Okay. And you left before May of '90.

4 A. Yes.

5 Q. And when did you leave?

6 A. I left -- this is another fun one. I left in
7 December -- my official date of release was December 31,
8 1989. And I had a bunch of leave saved up, so I had to
9 cash that in.

10 Q. That's fast paperwork if you requested it in
11 November and your last day was December 31.

12 A. Well, you know, the one good thing about -- the
13 fortunate thing about being in the Ranger regiment is
14 that paperwork is expedited. There is an early-out
15 program. Like I said, it was being expedited pretty
16 quickly.

17 MR. REFFNER: Let's take a break and go off the
18 record.

19 (Discussion off the record.)

20 MR. REFFNER: Back on the record.

21 Q. Let's go back to the Saturday that you were
22 with your father at West Point for the wedding. Did you
23 talk about the draft committee?

24 A. Yes, we did. At that point he did mention it.
25 Like I said, I am pretty fuzzy on a lot of these dates.

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1 I am doing my best to give you accurate dates. I believe
2 it was Saturday morning that we did speak, that is -- I
3 wish I could have a ten-year memory, but I believe it was
4 Saturday morning.

5 Q. And the conversation, what were the
6 circumstances surrounding it?

7 A. Well, he knew that there were a lot of options
8 that were available to someone who graduated from West
9 Point, and he mentioned to me that he thought that I
10 would be a good candidate for U.S. Congress from this
11 district, having been born and raised here, and he seemed
12 pretty animated about it. And then he mentioned that he
13 had printed up some brochures as a Draft McDevitt for
14 Congress campaign, much like I guess what was going on
15 down in Florida with General Norman Schwarzkopf in the
16 Draft Schwarzkopf for Senate Campaign.

17 Q. This was going in 1989, too?

18 A. New, I am just trying to compare it to what was
19 happening in 1991; after the Gulf War Schwarzkopf had an
20 individual in Florida who was advocating him running for
21 the U.S. Senate and sent out all kinds of mailings and
22 everything like that, a Draft Schwarzkopf for Senate.

23 MR. MEYERS: Excuse me, Sean, it's a little
24 irrelevant.

25 THE WITNESS: I am sorry.

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1 MR. MEYERS: I understand that thing has
2 happened, but they want to know what happened with you.

3 A. Okay, my father was pretty animated, said he
4 had printed up some brochures and he showed me the
5 brochures, and I think he told me that he had mailed
6 these off in January and February or the early part of
7 that year he had sent out a mailing. And at that point I
8 said, Well, you know, Dad, I am an officer in the U.S.
9 Army, I am under the Hatch Act, and I have not been
10 involved -- even though I haven't been involved or
11 anything, I think we better go talk to the JAG officer,
12 and JAG is Judge Advocate General, it's a military
13 lawyer.

14 Q. How did you become aware of the Hatch Act?

15 A. It's common knowledge to every military
16 officer, especially at West Point. That's drilled into
17 us from day one.

18 Q. Did your father ask you about the Hatch Act
19 during your conversation with him?

20 A. On that Saturday? Well, I am the one that
21 brought up the Hatch Act, yes, I said, Dad, I am under
22 the Hatch Act.

23 Q. Did you talk about the Hatch Act with your
24 father before Saturday?

25 A. No.

1 Q. During a telephone conversation?

2 A. No. Most of my telephone conversations with my
3 dad were 20 seconds of business and the remainder of the
4 time was family matters.

5 Q. Now, when you brought up the issue of the Hatch
6 Act, what did your father seem to do, what was his
7 response?

8 A. I'll tell you what I remember of his response.
9 I am not a great mind reader, but I looked at him and I
10 said, Dad, you know, I haven't been back doing anything
11 at all, but let's go talk to the JAG officer and I just
12 want to make sure, you know, that nothing is being
13 violated in terms of the Hatch Act.

14 Q. Now, your father told you that he had sent out
15 some brochures. What else did he tell you he did?

16 A. That's it. He had said that he was excited and
17 he said that he thinks I'd be a good candidate for the
18 U.S. Congress from this district and that he had mailed
19 out some brochures in the early part of that year.

20 Q. So that was the only thing that you knew he had
21 done, was mail out brochures.

22 A. Yes.

23 Q. And nothing else, no other activity?

24 A. No.

25 Q. Did your father mail you a copy of the brochure

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1 before then?

2 A. No.

3 Q. Did he show you a copy of the brochure that
4 Saturday?

5 A. Yes, he did.

6 Q. What was your reaction when you saw the
7 brochure?

8 A. I was extremely flattered, for one thing. I
9 was surprised; I mean you get kind of emotional to think
10 that your father thinks enough of his son to go ahead and
11 do that on his own --

12 MR. MEYERS: Can we go off the record?

13 MS. KLEIN: Sure.

14 (Discussion off the record.)

15 Q. Now, you say when your father told you about
16 the draft committee and what he was doing, you said you
17 were flattered and surprised. Why were you surprised?

18 A. Well, can you imagine if -- I'll just keep it
19 to my own personal opinion, but, you know, here you have
20 got a man that you respect enormously and he presents
21 you, he says, Look, I have gone so far as that in the
22 early part of this year I mailed out some pamphlets, I
23 formed a Draft McDevitt for Congress committee, and here
24 is the brochures. And I mean it was just kind of a bolt
25 out of the blue, I was surprised. I thought it was very

1 nice.

2 Q. So before this conversation with your father
3 you had never heard of the draft committee before?

4 A. Correct.

5 Q. Did you have any idea that your father would do
6 something like this?

7 A. No.

8 Q. You had no idea?

9 A. No.

10 Q. Now, what about your phone calls before the
11 wedding with your father, did you discuss the draft
12 committee during those phone calls?

13 A. No, I did not. I mean, like I said, most of my
14 phone calls -- I have got five brothers and sisters; a
15 lot of time was spent on family matters, and the
16 remaining time was spent on the health of my father, I
17 was still very concerned about his prognosis with cancer.
18 I mean prostate cancer is something that kills folks. I
19 was very concerned about that. No, like I said, this was
20 definitely a surprise.

21 Q. In the times that you talked to your family
22 members did they ever mention what your father was doing
23 with the draft committee or that he was going around
24 asking people --

25 A. They didn't mention anything about a Draft

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1 McDevitt for Congress committee.

2 MR. REFFNER: I have a document here. Can we
3 go ahead and mark this as Exhibit No. 1.

4 (Federal Election Commission Deposition
5 Exhibit No. 1 marked for identification.)

6 Q. Can you identify this?

7 A. Yes, this is a letter that I gave to my father
8 after discussion with the JAG officer, on his
9 recommendation.

10 Q. Could you tell me the general tone of this
11 letter, describe it to me, the purpose for sending it?

12 A. If you want, I can just read it.

13 Q. Okay, go ahead.

14 MS. KLEIN: Why don't you just summarize for
15 the record why you wrote this letter.

16 THE WITNESS: For the record, I did this to
17 advise him that I would just as soon he not, you know,
18 undertake any kind of activity to draft me for congress
19 or to otherwise -- well, to draft me for congress or
20 campaign on my behalf for any political office.

21 Q. Did you disapprove of what your father was
22 doing?

23 A. Like I said, I was flattered and, yes, I did
24 disapprove of it because I was in active duty, a United
25 States Army officer at the time.

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1 MS. KLEIN: Did you write this letter?

2 THE WITNESS: No, I typed it. Yes, this is me,
3 this was not typed by anybody else.

4 MS. KLEIN: And were these your words or the
5 words of the JAG officer?

6 THE WITNESS: This is what the JAG officer
7 recommended. He recommended a letter in this tone. This
8 is my own verbiage.

9 Q. (By Mr. Reffner) Did he recommend that you in
10 the greeting address your father as Dear Sir?

11 A. No, but that's the way I address everything.
12 Any official document I say Dear Sir, you know, depending
13 on the sex of the individual being addressed, it's just
14 typical business.

15 Q. Did the JAG officer recommend that you send a
16 letter?

17 A. Yes, he did.

18 Q. Couldn't you have just as easily have told your
19 father in person?

20 A. Well, this is a lot more concrete than telling
21 my father in person. Like I said, I just went by what
22 the JAG officer told me to do.

23 Q. How did you deliver this letter to your father?

24 A. I handed it to him.

25 Q. And was he in West Point at that time?

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1 A. Yes. I believe this was during the time I was
2 at West Point, I think it was that Saturday.

3 Q. And what was his reaction to the letter when
4 you gave it to him?

5 A. He took it, he folded it up and he put it in
6 his suit pocket.

7 Q. Now, it appears that your father --

8 A. Now, my father went with me to the JAG officer.

9 Q. So then he realized that you would be sending
10 him or giving him this letter.

11 A. Absolutely.

12 Q. When you and your father went to the JAG
13 officer, did you discuss running for congress with the
14 JAG officer?

15 A. No, we discussed the Draft McDevitt for
16 Congress campaign. We also discussed the nuances of the
17 Hatch Act.

18 Q. When you discussed the draft committee, did you
19 also discuss running for congress?

20 A. No, I said we discussed the Draft McDevitt for
21 Congress committee and the nuances of the Hatch Act.

22 Q. And those were the only things you discussed?

23 A. Yes.

24 Q. And after you left the JAG officer's office,
25 did you have any further discussions with your father

1 about running for congress?

2 A. That day, no, I did not.

3 Q. What about after that day?

4 A. In the future, yes, towards the end of the year
5 I did.

6 Q. About what time?

7 A. I'd say in the November time frame.

8 Q. And what were those discussions about with your
9 father?

10 A. In November?

11 Q. Yes.

12 A. Well, in November it became very apparent to me
13 that a substantial down sizing of the military was going
14 to take place. Also I had done everything what I
15 considered to be challenging in the military as far as my
16 career for a long period of time, I was going to have to
17 pull a lot of staff officer time as I progressed up
18 through the ranks. And it was a joint decision based on
19 the amount of time that I spent away from my family, away
20 from my wife -- when I say my family, I mean my wife --
21 and I am very much family oriented, I got tired of asking
22 her to sacrifice, and about the November time frame we
23 decided that I was going to leave the service. And at
24 that time I was going to exercise the option of running
25 for political office.

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1 Q. So that was one whole decision that you were
2 going to leave the service --

3 A. It was a joint decision with my wife, right; I
4 wasn't just going to leave the service without something
5 else to go into.

6 Q. So was it about Thanksgiving time that you and
7 your wife made that decision?

8 A. I can't remember; I mean that's so far ago, I
9 just remember it was in the late fall, early winter
10 months.

11 Q. If I could get you to focus on your campaign
12 now. Did you get any loans or make any loans to your
13 committee?

14 A. Yes.

15 Q. Could you tell me about the loans that you
16 received?

17 A. Sure. I took a personal loan for \$30,000 from
18 First Interstate Bank. Later on -- that was in February,
19 I believe, of '90. Then I believe it was in October of
20 '90 that I took a \$30,000 loan from my father.

21 Q. Any other loans?

22 A. No.

23 Q. Did you apply for any other loans?

24 A. In October I applied for -- I had gone to see a
25 number of different banks trying to obtain a second

1 \$30,000 loan, so, yes, I did at that time.

2 MR. MEYERS; Excuse me, Sean. I believe in the
3 document production yesterday there is another loan in
4 the file from First Interstate of a small amount of money
5 which your dad believes was a telephone deposit.

6 THE WITNESS: Okay, yeah.

7 A. I was asked -- Jay pulled out a slip and said,
8 well, explain this. What happened was in October when
9 campaigns are winding down, I guess the phone company
10 wants to ensure that it gets remunerated for campaign
11 telephone expenses and, as such, requires a letter of
12 credit in the amount of, it was either one or one and a
13 half or two months' worth of typical phone bills, a
14 letter of credit be advanced to the phone company from
15 the bank. And I went in to see Bob Flandro since the
16 campaign account -- and the candidate has to do this, I
17 was told. So I went in to see Bob Flandro at First
18 Interstate Bank, because that's where the campaign
19 checking account was being maintained, and I guess we
20 took a thousand and some odd dollars and he put it in a
21 CD for 45 days, which would run through the end of the
22 campaign at that time, run through the election. And he
23 had me sign something that basically -- it was some kind
24 of a loan document I signed that had to do with that
25 thousand some odd dollars. Then he sent a letter of

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1 credit to the phone company. But that was money that was
2 already in the campaign coffers, it wasn't additional
3 money we had received from the bank, it was just a --

4 MS. KLEIN: We have got you.

5 Q. That thousand dollars came from the committee,
6 your committee?

7 A. Yes, and it was over a thousand, it was a
8 thousand something.

9 Q. Now, the loan that you received in February
10 from First Interstate Bank, what were the terms of that
11 loan?

12 A. The terms of the loan were paid interest
13 monthly, prime plus two percent, balloon payment at the
14 end of one year for the principal.

15 Q. Has that loan been paid off?

16 A. Yes.

17 Q. When was it paid?

18 A. That loan was paid off, I think it was in July,
19 late July of this year.

20 Q. Now, when you got that loan in February, what
21 was your reason for seeking the loan?

22 A. The reason was when you start a campaign, you
23 need some seed money to buy stationery, to buy
24 advertising, to do all the things that it requires to get
25 a campaign off the ground, and that's why I took the

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1 loan, to have operating capital, and I didn't have a
2 wealth of money, so I had to --

3 Q. Why did you go to First Interstate Bank for the
4 loan?

5 A. Well, I went to First Interstate Bank -- I had
6 a long history of working with that bank. I had had an
7 IRA with them since the early '80's, '81 or '82; I had
8 known Mr. Flandro in a professional sense. During that
9 time I had maintained a checking account at his bank for
10 even longer than that, and so that's why I chose to go to
11 First Interstate Bank.

12 Q. And was it Bob Flandro that you talked to about
13 the loan?

14 A. Yes. Now, he was the branch manager or they
15 call him the vice president, I believe, of the branch
16 downtown here in Pocatello when I first began my dealings
17 with him, and then he was promoted up to the head of
18 commercial lending, and that's why I went to see him, he
19 was the commercial lender.

20 Q. If I could, a lot of the questions that I am
21 asking you seem to be injecting a lot of information. We
22 might be able to save a lot of time --

23 A. Sure, you want me to pare them down, okay.

24 Q. I'd appreciate it. Now, you went to First
25 Interstate Bank because of your long history of dealing

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1 with them. Had you dealt with Mr. Flandro before?

2 A. Yes.

3 Q. Anyone else at the bank that you dealt with?

4 A. Yes, tellers, account people.

5 Q. Anyone in a position like Mr. Flandro who might
6 be able to approve a loan?

7 A. No.

8 Q. Now, when you applied for the loan what type of
9 document did you submit to the bank?

10 A. A financial statement.

11 Q. Did you fill out an application for the loan?

12 A. No, it doesn't require a loan application, it
13 requires a financial statement, which is much the same as
14 a loan application for any other type of loan. I
15 personally don't see the difference between the two.

16 Q. Did Mr. Flandro ask you any questions when you
17 came in to talk to him about the loan?

18 A. Yes.

19 Q. What did he ask you?

20 A. Well, he asked me why I wanted the loan, and I
21 told him that. He asked me to fill out a financial
22 statement, which I did. And then he wanted to know about
23 some of my previous credit history just to bring him up
24 to date, and I told him that.

25 Q. How long did it take you to provide all of the

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1 information to Mr. Flandro?

2 A. I went out to one of the corner offices and I
3 filled out the loan application probably in about 45
4 minutes.

5 Q. When you say loan application, do you mean
6 financial --

7 A. I meant financial statement, right, financial
8 statement. And then the other talked about my credit
9 history, probably about ten minutes at the most.

10 Q. And when were you notified that you had been
11 approved for the loan?

12 A. I think it was several days later, it was
13 several days later. It was not immediate.

14 Q. Were you notified by letter, phone call?

15 A. I can't remember.

16 Q. Now, how did you receive the proceeds of the
17 loan?

18 A. It was deposited into my -- it was deposited
19 into my personal checking account.

20 Q. And what did you do with those proceeds then?

21 A. Well, as the campaign needed them, I advanced
22 them to the committee.

23 Q. So if I understand your testimony, the loans
24 were in your personal bank account and you would write a
25 check to the committee.

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1 A. Right.

2 Q. And how would you come to find out that the

3 committee needed money?

4 A. When the treasurer let me know.

5 Q. And the treasurer was --

6 A. Bruna M. McDevitt.

7 Q. Is that your mother?

8 A. Yes.

9 Q. All of the funds that you received for the

10 loan, \$30,000 -- is that right?

11 A. Yes, I received a loan for \$30,000.

12 Q. Did you keep all of the -- I mean did all of

13 the money end up going into the campaign?

14 A. Yes.

15 Q. Now, you say that you got a loan from your

16 parents. How much was that?

17 A. That was \$30,000.

18 Q. And was that given to you or to the committee?

19 A. That was given to me.

20 Q. Did you repay that loan?

21 A. Yes.

22 Q. Do you know where your father got the money to

23 loan you \$30,000?

24 A. I have no idea, I don't know.

25 Q. Now, if we could talk about the refund. Could

1 you tell me about how you refunded the loan to your
2 father?

3 A. Sure, I can tell you. I had a \$17,000 IRA, so
4 I had some cash in the bank. I also had -- I sold him my
5 car, mine and my wife's car.

6 Q. Anything else?

7 A. That's all I can remember, and that about took
8 care of it. I had to liquidate my IRA.

9 MR. MEYERS: Excuse me, Mr. Reffner. There is
10 a document that you have concerning the pay-back. That
11 might refresh his memory if you need further information.

12 MR. REFFNER: Off the record.

13 (Short recess.)

14 Q. Before we went off the record we were talking
15 about your repayment of the loan that you received from
16 your parents.

17 A. Right.

18 Q. You had stated that the sources of that refund
19 came from an IRA account that you sold.

20 A. Right.

21 Q. And some cash that you had --

22 A. Some cash and a car and, like I said, if you
23 want to show me the document, I can remember all the
24 nuances, but that was roughly it.

25 Q. I just wanted to talk about the car.

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1 A. Sure.

2 Q. Do you need to look at the document to talk
3 about that?

4 A. About the car? No, not at all.

5 Q. How did the idea for selling the car came up?

6 A. Well, I had pretty much exhausted the cash
7 resources that I wanted to. My wife was in Saudi Arabia
8 and there was no prognosis for her coming back any time
9 soon, and I had two cars and I only needed one, so I
10 figured that that was a way that I could both solve a car
11 surplus and help pay off the loan to my father.

12 Q. And when was this?

13 A. This was in October or early November, I can't
14 remember the exact time I sold the car, but it was in
15 that time frame.

16 Q. And the other car you were driving, was this
17 your car?

18 A. Yes.

19 Q. And you owned it?

20 A. Well, I had a little bit more to pay off to the
21 bank, but it was almost all mine; three wheels and the
22 trunk was mine; part of the engine was still the bank's.

23 Q. And do you remember how much the car was sold
24 for?

25 A. No; it was a few thousand dollars. I had

1 placed a new engine in it and I had had some repairs done
2 to it. One time I was out campaigning and I had the
3 engine go out on it, and the engine froze up on it and I
4 had to place a new engine in it, so I mean it had a
5 relatively new engine in it and had some other things
6 done to it.

7 MR. REFFNER: I would like this marked as FEC
8 Exhibit No. 2.

9 (Federal Election Commission Deposition
10 Exhibit No. 2 marked for identification.)

11 Q. Can you identify this?

12 A. Yes, that's a note I wrote when I sold the car.
13 It's just a documentation saying where those funds came
14 from.

15 Q. And how much were those funds?

16 A. Well, like I said, I am looking at this piece
17 of paper that I wrote, \$3,400.

18 Q. How did \$3,400 come to be the price that you
19 received for the car?

20 A. Well, I signed over the title to my father and
21 he wrote me a check for \$3,400. Is that what you are
22 asking?

23 Q. Was there any discussion about the price of the
24 car?

25 A. Oh, yeah, we looked at what was currently on

1 the market for a car of that type that was in very good
2 condition and had almost a brand-new engine in it, and I
3 thought that was a very reasonable price.

4 Q. And what kind of car was it?

5 A. It was a Plymouth Horizon, four-door.

6 Q. What year was it?

7 A. '84. It had the large 2.2 liter engine in it.

8 Q. Did you find any other similar cars on the
9 market?

10 A. Well, I found things like, you know, Plymouths
11 and Toyotas and all those other cars of that particular
12 make and model, and you have got to figure in the cost of
13 a new engine was several hundred dollars, and that
14 definitely extends the life of the car; so I thought this
15 was a reasonable price.

16 Q. What were the other cars that you had found
17 selling for?

18 A. I am sure they were about this same price. I
19 can't remember exact prices, but I am sure it wasn't too
20 different from this.

21 Q. And after you sold the car to your father do
22 you know what he did with it?

23 A. Yes, I know what happened after I sold it, he
24 took the title and the keys and he kept it in Idaho for a
25 period of time. I think one of my brothers in Arizona

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1 may have borrowed it for a while, and I know he used it
2 to get around here for a while. Anything else would be
3 pure speculation.

4 Q. Have you driven the car since you sold it to
5 your father?

6 A. Yes.

7 Q. When was that?

8 A. That was just probably a few weeks ago. I
9 drove it to have a new radiator placed in it.

10 Q. Who drives the car now?

11 A. Right now it pretty much just sits -- the car
12 is currently up in Washington and it's currently at our
13 residence. My brother, who is also at -- well, my
14 brother who lives in Fort Lewis, Washington, was using it
15 for quite a while because his truck was broken down, and
16 now it's up in Washington and it pretty much sits there.
17 Right now a friend of ours, I believe, is using it that
18 is visiting us in the area.

19 Q. My understanding of your testimony is that
20 somehow you and your wife regained possession of the car;
21 is that right?

22 A. What happened was when my wife returned from
23 Saudi Arabia much sooner than expected, because of a lot
24 of this type of stuff I was in no position financially to
25 go out and procure her another car. So she did use the

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1 car for a period of time while she was still in the
2 service, until she got out of the service. And then,
3 like I said, my brother used it for a while and now it's
4 basically sitting not gaining any miles. My father still
5 owns it and he is still responsible for all the insurance
6 costs and everything else like that, and it's not used by
7 us too often. My wife takes the bus to school.

8 Q. Did your wife ask your father to use the car?

9 A. Yes. I know that she had -- I don't know if
10 she particularly called him up and asked him, but when
11 she returned from Saudi, and I think she got a grand
12 total of, after eight months over there, she got a grand
13 total of four days off, and after that it was apparent
14 that we would need kind of a back-up vehicle to get down
15 to school in case something happened -- or not get down
16 to school, to get down to Fort Lewis, which is about an
17 hour commute, and she said why can't we use the old
18 Horizon. And I called up my father and he said no
19 problem.

20 Q. So you went to Idaho and picked up the Horizon
21 and drove it back to Everett?

22 A. No, I didn't, I don't believe I did. My
23 brother did, my brother that lives in Washington did,
24 because he needed to use it, also, on account of his
25 truck being broke down. Him and a friend went back to

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1 pick it up.

2 MR. REFFNER: I would like to introduce one
3 more exhibit.

4 (Federal Election Commission Deposition
5 No. 3 marked for identification.)

6 Q. Could you just take a few moments and look at
7 that and tell me what it is.

8 A. Well, the front page is an Idaho certificate of
9 title for myself and my wife. The second page, this
10 looks like the page where I transferred ownership, sold
11 it to my father. The third page is a motor vehicle
12 transfer affidavit. And the fourth page is an
13 application for certificate of title.

14 Q. And this reflects the sale of the car to your
15 father?

16 A. Yes.

17 Q. The third page, the motor vehicle transfer
18 affidavit, down in the second section it says Gift
19 Transfer Affidavit, and there are a series of yes-no
20 boxes. The first one says, "Is there a business
21 relationship between the recipient and the donor?" Is
22 that what it says?

23 A. Yes, that's what it says.

24 Q. Can you explain why there is a no checked there
25 rather than a yes?

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1 A. I don't -- it was a sale between a father and a
2 son, I am assuming that's why it was checked.

3 Q. Did you fill this form out?

4 A. I did not fill out this Section II, no, and it
5 looks like all I did was sign it and date it.

6 Q. Did you consider the repayment of the \$30,000
7 loan to your parents to be a business relationship?

8 A. No, it was a personal loan that they advanced
9 to me. I mean there was definitely a thing with interest
10 that I was going to repay back the loan, but, no, I never
11 really thought of whether it was business or personal.

12 Q. When you say that there was a thing that you
13 would definitely pay back the loan with interest, was
14 that an agreement with your father?

15 A. Yes.

16 Q. In writing?

17 A. I can't remember, I don't believe it was in
18 writing.

19 MR. MEYERS: Excuse me, Mr. McDevitt. I
20 believe that the loan was documented by promissory note
21 and you have that document. There is a promissory note
22 signed. Just for the record I am going to object just
23 briefly. When you are asking him was it a business
24 relationship, I think explain that to Sean what you mean
25 in defining business versus personal, if it's important.

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1 MS. KLEIN: I guess our question was simply,
2 given that this was a loan transaction with your father
3 that included interest payments that was used in your
4 campaign, that it had the appearance of partaking more of
5 a business transaction than of a personal transaction,
6 which seemed to be undercut slightly by the fact that
7 this box was checked saying that there was no business
8 relationship. We just wanted to know whether you had
9 filled this out and if so, whether you could explain
10 that.

11 THE WITNESS: If I would have filled it -- the
12 loan that my father advanced me was a personal loan.
13 And, like I said, I cannot remember a written portion,
14 but I am sure -- I would like to take a look at it if
15 it's part of the evidence that was presented to you
16 yesterday. I know I filled out a table listing where all
17 the funds were coming from when I repaid the loan and I
18 am sure I documented when I was taking the loan, also.

19 MR. MEYERS: Off the record.

20 (Discussion off the record.)

21 MR. REFFNER: Mark that as Exhibit No. 4.

22 (Federal Election Commission Deposition
23 Exhibit No. 4 marked for identification.)

24 A. I did sign that, that's obvious.

25 Q. (By Mr. Reffner) Can you identify this?

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1 A. Yes.

2 Q. What is it?

3 A. Well, this front page here is a promissory note
4 to my father.

5 Q. And does it refresh your memory about the loan?

6 A. Yes, it does.

7 Q. What about the loan could you tell us now?

8 A. Well, it refreshes my memory that I did sign a
9 promissory note to my father for this \$30,000 and that we
10 had agreed on a rate of 11 percent, which at the time was
11 two percent over prime, which was the standard rate for
12 banks to be charging for a loan of this type. That's
13 what that refreshes my memory on.

14 Q. Now, when you repaid the loan to your father,
15 did you give the money directly to your father, did you
16 give the money to the committee and have the committee
17 repay your father?

18 A. Now, I know there were -- I cannot remember all
19 of the ways I repaid him. I know I did write him out a
20 couple of checks for cash directly; I know that I did
21 sell him the car directly. There may have been something
22 that the campaign committee did pay him back, also, I
23 just can't remember all the nuances of it.

24 Q. What about the loan that you received from
25 First Interstate Bank?

1 A. Now we are going back to February again?

2 Q. That and I would also like to talk about the
3 repayment of that loan you received from --

4 MR. MEYERS: That's what he meant, Mr. Reffner,
5 is you want to talk about the February --

6 A. The February of '90, First Interstate loan,
7 okay.

8 Q. When you repaid that loan, did you send the
9 payments directly to the bank?

10 A. Yes.

11 Q. Did you send any payments to the committee --

12 A. No.

13 Q. -- and then let the committee repay the --

14 A. No, not that I can remember, because basically
15 I wrote every check out to the bank, as it was a personal
16 loan. You have the documentation that might refresh --

17 MR. REFFNER: If I could have this marked as
18 the next exhibit, I believe it would be No. 5 for the
19 Federal Election Commission.

20 (Federal Election Commission Deposition
21 Exhibit No. 5 marked for identification.)

22 Q. Now, Mr. McDevitt, could you identify that?

23 A. It looks like an FEC form. When you asked me
24 -- here we go. Now, the interest was paid by the
25 committee, the interest on the loan was paid by the

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1 committee, and I was focusing on the principal. The
2 principal was paid, from the best of my recollection,
3 directly by me.

4 Q. For the record this is a 1991 mid year report
5 submitted by your campaign committee.

6 A. Okay.

7 Q. On the third page of that report, the entry on
8 the second line, what is that entry?

9 A. You are talking about the one where it lists my
10 name and then Pfizer Pharmaceuticals, and then it lists a
11 bunch of dollar amounts expended and that sort of thing?

12 Q. Were those payments that you gave to the
13 committee?

14 A. I believe I sent those directly to the bank.
15 The first one, the \$9,000, was something that I -- that's
16 how much I could put together and I went back and
17 refinanced the loan with Bob Flandro in February of '91.
18 That was basically I paid \$9,000 on \$30,000 principal and
19 then we broke it down into some additional payments so I
20 could have it paid off within a year.

21 Now, these entries, the person that does my
22 accounting has a doctorate in governmental accounting,
23 and that's the way she entered it on the FEC report. But
24 I personally paid, wrote out checks to First Interstate
25 Bank, and I know I did send letters to the committee

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1 advising them of how much I had paid on this loan for
2 their own records. As I said, I am not sure of the
3 nuances of reporting.

4 Q. Did you ever loan any money to your committee?

5 A. Yes.

6 Q. Can you tell us about those loans?

7 A. I can't remember the amounts or exactly when,
8 but from time to time I did loan money to my campaign
9 committee.

10 Q. Do you recall whether you were repaid?

11 A. No, I wasn't repaid.

12 Q. When you made a loan to your committee, where
13 would you have gotten the funds?

14 A. Personal funds.

15 Q. Would that have included the loan you received
16 from First Interstate Bank?

17 A. No, no, those probably -- it may have, it may
18 not have, but I don't believe so.

19 Q. What about the loan you got from your parents,
20 would you have loaned that money to the committee?

21 A. I did; like I said, in order -- the way my
22 campaign was structured, I was the candidate. My
23 district is larger than the State of Indiana. My job was
24 to go out and to shake hands and to do radio interviews
25 and to do television interviews and make speeches and

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1 talk to the senior citizen center and go out and be a
2 candidate. I did not handle the bookwork, I virtually
3 never saw the reports.

4 My father wrote a lot of the ads, thought them
5 up and wrote them. He also did a lot of the grunt work
6 as far as sign work and that sort of thing. I had a
7 friend of mine who basically answered the telephone and
8 had a lot of the mobilization of the volunteers of the
9 campaign. This campaign was 100 percent volunteered. No
10 one was paid for any activity in this campaign. And for
11 a U.S. Congressional race, that's pretty remarkable.

12 And, as a result, when I did get the loan from
13 my parents, I know I did -- I think I did sign it over to
14 the committee or I did donate it to the committee and,
15 like I said, I was not -- I very, very, very seldom ever
16 saw any disbursements of what the committee was making.
17 I wasn't involved in the dollar bills of it at all.

18 Q. What I would like to clarify, what I understand
19 from your testimony is that you received a loan from
20 First Interstate Bank for \$30,000.

21 A. Right.

22 Q. And you received another loan from your parents
23 for \$30,000.

24 A. Right.

25 Q. And sometimes you would just give the committee

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1 money.

2 A. Right.

3 Q. And other times you would loan the committee
4 money.

5 A. No, primarily when I ever put money into the
6 campaign, it was in the form of a loan to the committee,
7 but, realistically speaking, you know, that's the way
8 candidates give money to their committees, they loan it
9 out to their committees.

10 MS. KLEIN: Can I try to clarified one point on
11 the record where I am a little bit confused. With
12 respect to the initial \$30,000 bank loan, you said that
13 upon receipt of it you deposited it to your own account
14 and then would make disbursements from that account to
15 the committee; is that correct?

16 THE WITNESS: Yes.

17 MS. KLEIN: Just for the record, did the entire
18 amount of the \$30,000 eventually go into the campaign?

19 THE WITNESS: Yes.

20 MS. KLEIN: With regard to your second loan
21 application that was denied -- correct?

22 THE WITNESS: From?

23 MS. KLEIN: The bank.

24 THE WITNESS: Correct.

25 MS. KLEIN: -- did they explain to you why they

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1 were denying your loan?

2 THE WITNESS: They said that given the
3 uncertainty of the election outcome and also given the
4 fact that I did not have in their eyes enough liquid
5 assets to justify an additional \$30,000 loan.

6 MS. KLEIN: Did they explain that to you in
7 person?

8 THE WITNESS: I think it may have been via
9 letter, I can't remember.

10 MS. KLEIN: Did you ever suggest to them about
11 getting a cosigner for the loan application?

12 THE WITNESS: No, I did not because I
13 understood that when you go out and get money from any
14 source as a candidate, it has to be the candidate and the
15 candidate alone. So I did not ask for a cosigner, I
16 didn't ask for any guarantees or anything. It was just
17 me.

18 MS. KLEIN: Where did you derive that concept
19 from in terms of being just you?

20 THE WITNESS: That was made pretty clear to me
21 at the FEC -- you know, the rules and that sort of thing
22 that I had basically been aware of since I initially
23 applied in February of 1990.

24 MS. KLEIN: Now, what about the loan from your
25 father, did you perceive that there may be a problem with

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1 that loan?

2 THE WITNESS: No, I did not.

3 MS. KLEIN: That was not covered in your crash
4 course?

5 THE WITNESS: No, like I said -- I'll tell you
6 what my crash course on FEC rules was. It was the end of
7 the second day or towards the end of the second day.
8 Everyone was tired, basically got up -- there were a lot
9 of folks that were there that had run entire campaigns
10 before. Like I said, I was a relative newcomer. I had a
11 lot of support but I didn't have all the knowledge that I
12 might necessarily have wanted at that time.

13 MR. MEYERS: Explain to them, not that, but
14 explain to them how long the seminar lasted on campaign
15 financing.

16 THE WITNESS: Fifteen minutes, at the most.

17 MS. KLEIN: So this was a crash course on
18 running for a campaign of which 15 minutes was dedicated
19 to the campaign finance laws; is that correct, is that
20 your testimony?

21 THE WITNESS: Right.

22 MS. KLEIN: So what I want to ensure for the
23 record is that at the time that you were denied the bank
24 loan you spoke to your father about his lending the
25 campaign money; is that correct?

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1 THE WITNESS: Right.

2 MS. KLEIN: And at that time you were unaware
3 that there may be a problem with that type of
4 transaction?

5 THE WITNESS: That is correct. And just, for
6 the record, what the 15, 20, 10 minutes, whatever very
7 short amount of time, consisted of was somebody from the
8 National Republican Congressional Committee got up and
9 basically said here is a book of rules, actually gave us
10 two or three. He said, Are there any questions? One guy
11 said, Well, can I buy a car with my campaign funds, and
12 he said no. And another guy said, Well, I think you can
13 buy an airplane with your campaign funds, all these
14 various nominees, and I basically sat there and tried to
15 gain some kind of a concrete valuable piece of
16 information but realistically I got extremely little out
17 of it. I was very naive in that ball field.

18 MS. KLEIN: How did it come to your attention
19 that there may have been a problem with the loan from
20 your father?

21 THE WITNESS: The way it came of attention is I
22 came back from campaigning one day after the loan had
23 already been made and the person that does our
24 accounting, the lady with the doctorate in governmental
25 accounting, said that this may not be proper according to

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1 FEC regulations. And thereupon I was told that my father
2 had checked around and found out that we should repay the
3 loan in 60 days.

4 MS. KLEIN: Thank you, that clarifies it for
5 the record.

6 Q. (By Mr. Reffner) Just out of curiosity, the
7 seminar that you attended in Washington, how much did
8 that cost?

9 A. Oh, boy, it was a hundred dollar donation, plus
10 we had to pick up our air fare and our rooms.

11 Q. Who paid for the trip?

12 A. I did.

13 Q. Do you have any canceled checks?

14 A. I don't believe so. Like I said, that's almost
15 two years ago. I know I paid.

16 MS. KLEIN: Let the record reflect that I am
17 showing, since we have no photocopies of this document, a
18 letter or a note from the Idaho Republican Party From the
19 Desk of Cathy Watson addressed to you. Could I ask you
20 to read it into the record?

21 THE WITNESS: Sure. "Idaho Republican Party,
22 From the Desk of Cathy Watson. Sean: Your father has
23 sent in your registration fee to the convention.
24 Therefore, I am returning your check to you. Thank you,
25 Cathy Watson, Idaho GOP Headquarters."

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1 MS. KLEIN: Does this reference the conference
2 that you attended in Washington?

3 THE WITNESS: No, this -- I'll give you a brief
4 explanation. This is the Idaho State Republican
5 Convention. Myself, my father, and two of my brothers
6 were delegates to this convention. This in truth had
7 nothing to do with the campaign, we were merely going as
8 delegates to the convention, and each delegate had to pay
9 a fee and there was some miscommunication on whether I
10 had paid it or my father had paid it, paid the fee for
11 the delegates.

12 MS. KLEIN: Do you recall when this occurred?

13 THE WITNESS: Yes, it was in the summer of '90.
14 It was in Nampa, Idaho. That was merely addressing the
15 fact that we were delegates.

16 Q. (By Mr. Reffner) If we could go on to the time
17 that you had moved back to Idaho after you ended your
18 military service. Were you employed then? This would be
19 in 1990.

20 A. Yes.

21 Q. And where were you employed?

22 A. I was employed at our ranch.

23 Q. And would that be the Little Red Hen?

24 A. That's one of the acreages that the Little Red
25 Hen owns, yes, they own the family acreage.

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1 Q. And who owns the rest of the acreage?
2 A. All of it is owned by Little Red Hen.
3 Q. All of it is owned by Little Red Hen.
4 A. Yes.
5 Q. When did you first become associated with the
6 Little Red Hen?
7 A. Back when I was about ten years old, ten,
8 twelve, early childhood.
9 Q. Do you have an official position or title with
10 the Little Red Hen?
11 A. I have a title and the title is vice president,
12 and the reason was when Little Red Hen, Inc., was formed,
13 under Idaho law you needed three people to form a
14 corporation. My father was the president, my grandfather
15 was the vice president, and my mother was the
16 secretary-treasurer. My grandfather passed away and I
17 took on the title of vice president.
18 Q. You elaborated on your duties and
19 responsibilities before. If I recall they were limited
20 to handling the ranch.
21 A. Right. There is no compensation of any kind to
22 the vice president.
23 Q. Do you receive any salary?
24 A. No. The only time I received a salary was as a
25 laborer, as we discussed earlier. I got paid an hourly

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1 wage, at sometime in my childhood I was paid by the hour
2 for doing the various duties that the ranch required.

3 And, boy, they got every penny out of me, too.

4 Q. So in 1990 while you were working on the ranch
5 you were paid hourly?

6 A. No, I was paid a salary.

7 Q. And what was that salary?

8 A. That was per month.

9 Q. Were there any other employees in 1990 at the
10 Little Red Hen?

11 A. At the Little Red Hen, I am sure that there
12 were other employees for Little Red Hen, but there were
13 no other employees on the ranch. I was the man that had
14 to plow the road and feed the cows and maintain them and
15 make sure the fences were up. And I also did a lot of
16 plumbing up there. But I was it, I was the only person
17 working up there.

18 Q. So you worked alone during this time?

19 A. Yes, much as I did when I come back from
20 college or even in my childhood.

21 Q. Now, you say your father was the president and
22 your mother was the secretary-treasurer.

23 A. Right.

24 Q. Were they paid for their work -- did they do
25 any work?

1 A. I have no idea, I have no idea whether or not
2 they were paid for any labor that they might have done.
3 I was about the only person up there actually fixing
4 plumbing and taking care of the livestock and whatever
5 else was required, plowing the road.

6 Q. What about the other employees for the Little
7 Red Hen? I realize that you were the only one on the
8 ranch.

9 A. Right.

10 Q. Would there have been employees working
11 elsewhere?

12 A. I don't know. Like I said, I am not involved
13 in depth with the corporation whatsoever.

14 Q. I understand that your campaign used some
15 office space and a building owned by the Little Red Hen.

16 A. My campaign rented some office space, that's
17 correct.

18 Q. Could you tell me about how you came to rent
19 that office space?

20 A. Sure. It was primary season and it looked like
21 I needed a place to actually physically run my campaign
22 from, and there was an office space that had not been
23 rented for I think it was a year or so, and my father
24 offered to rent it, part of it, to me for use as a
25 campaign office, and we agreed on that and I rented it.

5043628435

1 Q. About what time was this that you came to
2 realize that you needed --

3 A. I think it was April of '90.

4 Q. Did you look anywhere else for an office?

5 A. No, I did not.

6 Q. So the office of the Little Red Hen was the
7 only place that you considered?

8 A. Yes.

9 Q. Could you describe this office?

10 A. Sure. It's one story and it consisted of a
11 bathroom, very small bathroom, by the way, an office, and
12 kind of a reception room, and it had a telephone access
13 and power and that sort of thing.

14 Q. Now, the utilities for this office, what would
15 that have included, telephone and what else?

16 A. Oh, the campaign paid for the telephone. It
17 was a campaign phone bill.

18 Q. I realize that there was electricity, though,
19 wasn't there?

20 A. Yes, there was electricity and there was water,
21 and I believe that was included in the rent. I can't
22 really remember, I can't remember whether the campaign
23 paid for that or not.

24 Q. Was the office furnished?

25 A. No.

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1 Q. Was there ever any furniture in the office?
2 A. Yes, there was.
3 Q. How did it come to be furnished?
4 A. It was my own personal furniture, and I will
5 tell you what the furniture was, because I will never
6 forget it. There was one dilapidated old desk that I had
7 owned and I had used prior to the campaign, that
8 consisted of five chairs, and four chairs supported an
9 eight foot by four foot plywood sheet, and that served as
10 kind of a table. The other chair was behind the desk.
11 Q. Any other furniture besides that?
12 A. There was no other furniture. It probably
13 would have been refused by Good Will.
14 Q. Did you also drive a truck owned by the Little
15 Red Hen?
16 A. Yes, I did.
17 Q. Could you tell me about that truck?
18 A. Sure, the truck was a white Ford pickup.
19 Q. And why did you use it?
20 A. Well, I used it because I needed to a lot of
21 times haul campaign equipment from site to site as I was
22 traveling, and I also used the truck when I was working
23 up at the ranch. I used to have to haul -- you know,
24 just like what you see on Green Acres, haul manure around
25 or haul the occasional cow around or haul a lot of stuff

1 that's requisite to working on a ranch. And I also used
2 it during some campaign uses, also, things like parades
3 or for like hauling stuff around.

4 Q. And when did the Little Red Hen purchase this
5 truck?

6 A. I believe it was in the spring of 1990. I know
7 it had been on back order for quite a period of time. I
8 remember when we first heard -- when my father first
9 decided to buy it, it was something he had ordered like
10 two or three years ago and they hadn't got it in because
11 he had had some special things done to it. They finally
12 got it in, and we needed a new truck for the ranch at the
13 time. You can't haul a cow around in a Toyota pickup too
14 much.

15 Q. Did you help pick the truck out?

16 A. No.

17 Q. Your father picked it out all on his own?

18 A. Yes.

19 Q. The car that you sold to your father to repay
20 the loan, did you also use that at this time?

21 A. I used that a tremendous amount, yes.

22 Q. During your campaign?

23 A. Yes.

24 Q. So you had access to two vehicles for your
25 campaign?

1 A. Yes.

2 Q. Any other vehicles?

3 A. No.

4 Q. How much did you drive those vehicles during
5 your campaign, do you have any idea?

6 A. I know I put several tens of thousands of miles
7 on. Like I said, I could easily drive three, four
8 hundred miles in a day, I mean as a matter of course.
9 And I was always out -- the size of the district is so
10 huge that often sometimes the campaign would necessitate
11 that I would be in Boise for the morning and then drive
12 250 miles to Idaho Falls for something in the late
13 afternoon and might even be in Pocatello or somewhere
14 else, which is another 50 miles or so, in the evening.
15 So I put an awful lot of mileage on, especially my car,
16 and I put quite a bit on the truck, also.

17 Q. Now, I understand that you paid for your use of
18 the truck.

19 A. Yes, I did.

20 Q. Could you tell me about the circumstances
21 surrounding the payment, why you even paid?

22 A. Sure. Well, I knew it was a vehicle that I'd
23 be using, it was owned by a corporation, and I knew that
24 I would have to pay for the use of such a corporate
25 asset. So I determined that -- we had a verbal agreement

504362439

1 that I would put the gas in and I would put the oil in
2 and I would take care of any repairs and I would pay him
3 ten cents a mile for every portion of the miles used
4 during the campaign.

5 Q. How did you come to determine ten cents for
6 each mile?

7 A. It just seemed like a reasonable cost, you
8 know, considering I took care of the gas and the oil and
9 any repairs.

10 Q. And just to set it straight for the record, you
11 say that it was a corporate asset and you realized that
12 you would have to pay for it. Now, how did you come to
13 that --

14 A. Well, that was one of the little points of
15 light that I got from my brief exposure to campaign
16 finance laws, that you could not accept corporate
17 contributions if we didn't pay for them.

18 Q. That came up during the 15 minutes seminar?

19 A. Yes.

20 Q. And any other time that you might have --

21 A. I can't remember, but I do remember that one
22 time.

23 MS. KLEIN: We have concluded our deposition of
24 Sean McDevitt unless counsel has anything to add.

25 MR. MEYERS: No.

1 MR. REFFNER: Just one last thing. You are
2 entitled to a witness fee for your appearance today.

3 MS. KLEIN: We can send it either in care of
4 your attorney or to your post office box if you so
5 desire.

6 THE WITNESS: Is it the typical government
7 per-mile, per-day, per diem thing?

8 MS. KLEIN: In terms of your appearance here?

9 THE WITNESS: Right.

10 MS. KLEIN: We are not paying your air fare
11 here, if that's your question.

12 THE WITNESS: Right.

13 MS. KLEIN: What is the mileage from Everett?

14 THE WITNESS: It's 800 miles each way, 1,600
15 miles round trip.

16 MS. KLEIN: To be perfectly frank with you, I
17 don't have a firm answer for you on that, but we will
18 certainly check that out. I don't want to go out on a
19 limb. We will relay that through your counsel.

20 THE WITNESS: Okay.

21 (Witness excused.)

22

23

* * * * *

24

25

5043628441

1 STATE OF IDAHO)
2 County of Bannock) ss.

3 I, JEAN M. BUCHANAN, CSR and notary public in
4 and for said county and state, do hereby certify that the
5 facts as stated by me in the caption hereto are true;
6 that the above and foregoing answers of the witness,

7 SEAN McDEVITT,

8 to the interrogatories as indicated were made before me
9 by the said witness, after being first duly sworn to
10 testify the truth, and the same were thereafter reduced
11 to typewriting under my direction; that the above and
12 foregoing deposition, as set forth in typewriting, is a
13 full, true, and correct transcript of proceedings had at
14 the time of taking said deposition.

15 I further certify that I am neither attorney
16 nor counsel for, nor related to, nor employed by any of
17 the parties to the action in which this deposition is
18 taken, and further that I am not a relative or employee
19 of any counsel employed by the parties hereto, or
20 financially interested in the action.

21 GIVEN UNDER My Hand and Seal of Office on this
22 10th day of January, 1992.

23

24

25

Notary Public In and For the
State of Idaho

0504362442

IDAHO

CERTIFICATE OF TITLE

VEHICLE IDENTIFICATION NUMBER		PLATE	COUNTY	EXPIRES
		77,305 A	18	
VEHICLE MAKE / MODEL / YEAR		VEHICLE TYPE / LICENSE / WORK		DATE ISSUED
PLYM 4H 1984 MOR				09.25.90

OWNER'S NAME AND ADDRESS MC DEVITT, REBECCA S OR MC DEVITT, SEAN D. 237 S 7TH PISCATELLO, ID 83201,	FIRST LIEN NONE RECORDED 09.19.90 14806 Signature below releases the Lienholder's interest in the vehicle. Date
---	---

The odometer reading of this motor vehicle upon sale is **89398**

The odometer reading for this vehicle is:
 A. the actual reading / B. not the actual reading
 C. in excess of 10,000

SIGNATURES BELOW RELEASE THE REGISTERED OWNER'S INTEREST IN THE VEHICLE. ALSO CERTIFIES UNDER PENALTY OF PERJURY THAT ANSWERS TO QUESTIONS 1 AND 2 ABOVE ARE TRUE AND CORRECT.

SIGNATURES OF REGISTERED OWNER(S)	Signature (Should be Shown Above)	Date
	<input checked="" type="checkbox"/> Sean D. McDevitt <input type="checkbox"/>	23 NOV 90



I CERTIFY THAT THE OWNER NAMED HEREIN HAS BEEN DULY REGISTERED IN THIS OFFICE AS OWNER OF THE MOTOR VEHICLE HEREIN DESCRIBED PURSUANT TO TITLE 48, IDAHO CODE, AS AMENDED SUBJECT TO THE LIEN OR LIENS SHOWN. ANY ALTERATIONS, ERASURES OR MUTILATIONS WILL VOID THIS TITLE. ALL SIGNATURES MUST BE MADE IN PEN AND INK.

[Signature]

DEPOSITION
EXHIBIT
FECH3
S. AIC DEVITT

23 NOV 90

I, Sean Daniel McDevitt, received
on 23 November 1990 from Thomas
J. McDevitt the sum of \$3400.00
for payment in full for my 1984
Plymouth Horizon.
This payment includes new engine
installed 13 June 1990.

Sean McDevitt
Sean Daniel McDevitt

25043620444

DEPOSITION
EXHIBIT
FEC # 2
S. McDevitt

Thomas J. McDevitt, M.D.
818 East Lander
Pocatello, ID 83201

15 June 1999

Dear Sir:

I am writing in reference to your attempt to draft me as the Republican candidate for U.S. Congress. While the effort is flattering, I must remind you that I am an officer on active duty with the U.S. Armed Forces, and as such, cannot participate in any political activity.

Please cease and desist all political activities or instructions with regard to myself. I cannot, nor will I tolerate any further actions by your committee or any others that nominate, draft, or campaign on my behalf for any political office. Thank you for your time.

Very Sincerely Yours,



Sean D. McDevitt



TITLE 46, CHAPTER 4, ICAMHO CODE, mandates that Certificate of Title shall be filed with the department within ten (10) days after the delivery of such motor vehicle.

Please Print or Type Requested Information

BUYER

16. For Name(s) of New Registered Owner(s) (Last, First, Middle)			
17. <input type="checkbox"/> and <input type="checkbox"/> (Last, First, Middle) <input type="checkbox"/> or			
18. Street Address or P.O. Box Number	City	State	Zip Code
19. Address Where Vehicle to Run	City	County	
20. Date of Purchase 23 Nov. 1990	21. Purchase Price 3400	22. Odometer Reading at Purchase 6,835.9	
23. Signature of New Registered Owner(s) X <i>[Signature]</i>			
24. Signature of New Registered Owner(s) X			
25. Name of 1st Lienholder (If No Lien, Write NONE) Do Not Enter Name of Registered Owner(s) Above			
26. 1st Lienholder Address	City	State	Zip Code
27. Name of 2nd Lienholder			
28. 2nd Lienholder Address	City	State	Zip Code

SALE OR REASSIGNMENT BY A LICENSED DEALER
DEALER ONLY

DEALER NAME	DEALER NO.	RELEASE DATE	DEALER AGENT SIGNATURE	REGISTER REASON

25043620446

MOTOR VEHICLE TRANSFER AFFIDAVIT

Rev. 7-88

This form is to be completed and furnished to the county assessor or Department of Transportation with the title to the vehicle being transferred as provided by the Idaho Sales Tax Act and Regulations. Instructions and additional information are on the back.

Name of Purchaser/Recipient THOMAS J McDEVITT	Name of Seller/Donor SEAN D. McDEVITT
Address 237 So. 7th Ave., Pocatello	Address 237 So. 7th Ave., Pocatello
Zip Code 83201	Zip Code 83201

Vehicle Information	Year 1984	Make PLYMOUTH	Model HORIZON
---------------------	---------------------	-------------------------	-------------------------

I. FAMILY MOTOR VEHICLE SALE AFFIDAVIT We swear or affirm that this motor vehicle sale is exempt from sales tax because of the following family relationship between the buyer and seller. Check the boxes that apply to this sale:

Parent Brother Grandparent
 Child Sister Grandchild

II. GIFT TRANSFER AFFIDAVIT We swear or affirm that the transfer of this motor vehicle is a gift and is exempt from sales tax because it meets the following requirements as stated in Sales Tax Regulation 23.2. Answer the following questions regarding this gift:

	Yes	No
1. Is there a business relationship between the recipient and the donor?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Has or will the recipient perform any services, contractual or otherwise, in exchange for this vehicle?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Has or will the recipient transfer anything of value (including tangible personal or real property) to the donor in exchange for this vehicle?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Has or will the recipient accept or assume any debts or liabilities belonging to the donor of the vehicle?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer "yes" to any of these questions, follow the instructions on the back of this form.

III. INDIAN MOTOR VEHICLE TRANSFER AFFIDAVIT We swear or affirm that this motor vehicle sale is exempt from sales tax because the sale and delivery of the vehicle was to an enrolled member of an Indian tribe, and occurred within the boundaries of an Indian reservation.

The following information is required:

Enrolled member of _____ Indian Tribe.
 Tribal Identification Number _____
 Sale and delivery occurred on _____ Reservation.

<p><i>Thomas J. McDevitt</i> Purchaser's Signature</p> <p>_____ Title, if applicable</p> <p>SUBSCRIBED AND SWORN TO before me this _____ day of _____ 19____</p> <p>(not) _____ Notary Public for Idaho Residing at _____</p>	<p><i>Sean D. McDevitt</i> Seller's Signature</p> <p>_____ Title, if applicable</p> <p>SUBSCRIBED AND SWORN TO before me this <u>23</u> day of <u>Nov.</u> 19<u>96</u></p> <p>(not) _____ Notary Public for Idaho Residing at <u>Pocatello, ID</u></p>
--	---

IMPORTANT!! Read before signing.
 Any person who swears or affirms anything to be true which he/she knows is false is guilty of perjury. Idaho law provides that perjury is punishable by imprisonment in the State Prison for a term of not less than one nor more than fourteen years.

White - Idaho State Tax Commission Copy Yellow - Department of Transportation Copy Pink - Purchaser's Copy

8100111
7-9-88



APPLICANT COPY

TRANSPORTATION DEPARTMENT

P.O. BOX 729 BOISE, ID 83707-729

VALID FOR 72 HOURS FROM THE DATE RECORDED FOR REGISTRATION PURPOSES IF INSURED.

APPLICATION FOR CERTIFICATE OF TITLE

TD-2000 3-80

APPLICANT SIGNATURE

I, WE, the undersigned, certify that the vehicle described below is owned by me / us and I / we hereby make application for a Certificate of Title for said motor vehicle and this vehicle will not be the subject of lien prior to receipt of the title unless indicated below. I / we further certify that all information contained herein is true and correct to the best of my / our knowledge and belief. The signature below is my true and legal signature.

X. *Thomas J. McDevitt*

DUPLICATE APPLICANT SIGNATURE

I hereby make application for duplicate title of the vehicle described below, the original having been Mutilated Lost Stolen.

I certify under penalty of law that all statements contained in this application are true and correct (I.C. 49-610).

Furthermore, if this is a duplicate transfer, I hereby release my interest in the vehicle below to the purchaser shown in Section 2. The signature below is my true and legal signature.

X

THIS IS NOT A CERTIFICATE OF TITLE

Receipt

912029

Type of Application

TRANSFER -- REGULAR TITLE

SECTION 4
VEHICLE DESCRIPTION

Year	Make	Body Type	Model		
1984	PLYM	HATCHBACK, 4 DO	402		
Description		Color Top / Bottom	Paint Type		
		GRY			
Weight	Length	Width	Hip	Horsepower	Prop
3000000					
Customer Reading	Customer Status	Customer Reading Date			
0088398	ACTUAL	11/23/90			
Prev. St.	Previous State Brand	Previous State Tax Number			

SECTION 2
PURCHASER-ORIGIN

Client Name and Address

MCDEVITT, THOMAS J 07
MCDEVITT, BRUNA M

237 S 7TH
POCATELLO ID 83201-3020

SECTION 3
(ENDORSEMENTS)

Primary Lienholder

NONE

Secondary Lienholder

1990 11 23 00 0 0 012024

SECTION 4
AGENCY AND SALES TAX INFORMATION

Dealer Number	Sales Permit Number	Agency Type		
	50003	COUNTY		
Purchase Date				
		11/23/90		
GROSS SALES PRICE		0.00		
TRADE-IN ALLOWANCE		0.00		
NET SALES PRICE		0.00		
TAX PREPAID		0.00		
TAX DUE		0.00		
TRADE IN	Year	Make	Body	Model
Other Tax Information				
Agency Name				
BANNOCK COUNTY ASSESSOR				
I certify that I have physically inspected the vehicle described in Section 4 and that the VIN and year of this application are correct. I have identified the person(s) signing this application and witnessed their signature.				Dealer Contact
AUTHORIZED SIGNATURE				
X				

FEES PAID

TITLE FEE	0.00
TOTAL	0.00

Form 278
 STATE WAREHOUSE CODE
 Postville, ID 83204-0543

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)
- Termination Report

(Type of business)
 station on _____ in the State of _____
 Terminate disapproval following the General Election on _____ in the State of _____

DEPOSITION EXHIBIT
 FEC # 5
 S. McDowell

Has report contents
 relating to: Primary Election General Election Special Election

SUMMARY

5	Covering Period <u>4-1-91</u> through <u>6-30-91</u>	CHANGES
6	Net Contributions (other than loans)	
	(a) Total Contributions (other than loans) (from Line 11(a))	12,000.00
	(b) Total Contribution Refunds (from Line 20(a))	653.45
	(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	11,346.55
7	Net Operating Expenditures	
	(a) Total Operating Expenditures (from Line 17)	575.00
	(b) Total Offset to Operating Expenditures (from Line 14)	48.40
	(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	527.50
8	Cash on Hand at Close of Reporting Period (from Line 27)	0
9	Debits and Obligations Owed TO the Committee (transfer all on Schedule C and/or Schedule D)	0
10	Debits and Obligations Owed BY the Committee (transfer all on Schedule C and/or Schedule D)	18,576.03

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
Arma M. McDowell
 Signature of Treasurer
Arma M. McDowell

NOTE: Submitter is liable, according to law, for the accuracy of the information furnished herein.

--	--	--	--	--	--	--	--

9 1 0 1 4 3 2 1 0

STATEMENT OF RECEIPTS FOR CANDIDATE

I. RECEIPTS

- (a) Individuals/Persons Other Than Political Committees
 - (1) Reported (see Schedule A)
 - (2) Unreported
 - (3) Total of contributions from individuals
- (b) Political Party Committees
- (c) Other Political Committees (such as PACs)
- (d) The Candidate
- (e) TOTAL CONTRIBUTIONS (add lines (a) through (d))

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES

LOANS

- (a) Made or Guaranteed by the Candidate
- (b) All Other Loans
- (c) TOTAL LOANS (add 12(a) and (b))

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Returns, etc.)

15. OTHER RECEIPTS (Dividends, Interest, etc.)

16. TOTAL RECEIPTS (add 11(a), 12, 13(c), 14 and 15)

II. DISBURSEMENTS

17. OPERATING EXPENDITURES

18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES

LOAN REPAYMENTS

- (a) Of Loans Made or Guaranteed by the Candidate
- (b) Of All Other Loans
- (c) TOTAL LOAN REPAYMENTS (add 18(a) and (b))

REFUNDS OF CONTRIBUTIONS TO:

- (a) Individuals/Persons Other Than Political Committees (contribution)
- (b) Political Party Committees
- (c) Other Political Committees (such as PACs)
- (d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))

21. OTHER DISBURSEMENTS (unexplained difference, checkbook balance and bank balance)

22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$	78.02
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$	12,802.49
25. SUBTOTAL (add Line 23 and Line 24)	\$	12,779.45
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$	12,779.45
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (from Line 25 less 26)	\$	0.00

9 5 0 4 3 2 2 2 5 0 1
 4 5 Z
 2 2 5 0 1
 4 3 2 2 5 0 1
 9 1 0 1 4 3 2 2 5 0 1

McCarthy for Congress

A. Full Name, Mailing Address and ZIP Code
U.S. Post Office
101 S. Clark
Tucuman, ID 83205

Resend For Primary General
 Other (Specify): Return for prepaid post

B. Full Name, Mailing Address and ZIP Code
Near N. Devitt
412 Silver Lake Road
Everett, WA 98208

Resend For Primary General
 Other (Specify):

C. Full Name, Mailing Address and ZIP Code

Resend For Primary General
 Other (Specify):

D. Full Name, Mailing Address and ZIP Code

Resend For Primary General
 Other (Specify):

E. Full Name, Mailing Address and ZIP Code

Resend For Primary General
 Other (Specify):

F. Full Name, Mailing Address and ZIP Code

Resend For Primary General
 Other (Specify):

G. Full Name, Mailing Address and ZIP Code

Resend For Primary General
 Other (Specify):

Occupation

Occupation

Name of Employer
Pittner Pharmaceutical

Occupation

Date Recd., (m., year)

Amount of Cash
Wanted this Period

2510743469

REPRODUCTION OF RECEIPTS FROM THE POST OFFICE IS PROHIBITED BY FEDERAL LAW. THE POST OFFICE WILL NOT BE RESPONSIBLE FOR THE RETURN OF RECEIPTS WHICH ARE NOT RETURNED TO THE POST OFFICE WITHIN THE PERIOD SPECIFIED ON THE RECEIPT.

Submittal Fee Statement

<p>A. Full Name, Mailing Address and ZIP Code Sean McDevitt 142 Silver Lake Road Everett, MA 02308</p>	<p>Purpose of Disbursement: To close checking account Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify):</p>		<p>Amount of Cash Disbursement This Period 12.00</p>
<p>B. Full Name, Mailing Address and ZIP Code First Interstate Bank 950 Yellowstone Pocatello, ID 83201</p>	<p>Purpose of Disbursement: Principal & Interest Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify):</p>		<p>Amount of Cash Disbursement This Period 126.00</p>
<p>C. Full Name, Mailing Address and ZIP Code Unidentified difference between checkbook and bank balance</p>	<p>Purpose of Disbursement: Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify):</p>	<p>Date (month, day, year) 12/01</p>	<p>Amount of Cash Disbursement This Period 126.02</p>
<p>D. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement: Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Date (month, day, year)</p>	<p>Amount of Cash Disbursement This Period</p>
<p>E. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement: Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Date (month, day, year)</p>	<p>Amount of Cash Disbursement This Period</p>
<p>F. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement: Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Date (month, day, year)</p>	<p>Amount of Cash Disbursement This Period</p>
<p>G. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement: Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Date (month, day, year)</p>	<p>Amount of Cash Disbursement This Period</p>
<p>H. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement: Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Date (month, day, year)</p>	<p>Amount of Cash Disbursement This Period</p>
<p>I. Full Name, Mailing Address and ZIP Code</p>	<p>Purpose of Disbursement: Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):</p>	<p>Date (month, day, year)</p>	<p>Amount of Cash Disbursement This Period</p>

<p>SUBTOTAL of Disbursements This Page (optional)</p>	<p>12,779.45</p>
<p>TOTAL This Period (See page 046 for number only)</p>	<p>12,779.45</p>

91014723503

McDEVITT, MEYERS & THOMSEN

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-4121

FAX NO. (208) 233-4174

RECEIVED
FEDERAL ELECTION COMMISSION

92 FEB 20 PM 12:11

M JAY MEYERS
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J. McDEVITT
1928 1988

February 5, 1992

Craig Reffner
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

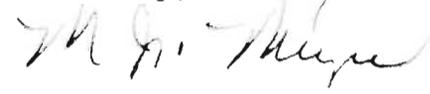
Re: MUR 3164
Sean D. McDevitt
McDevitt for Congress and Bruna M. McDevitt as Treasurer
McDevitt for Congress and Thomas J. McDevitt as Treasurer
Bruna M. McDevitt
Thomas J. McDevitt, President Little Red Hen, Inc.
James P. McDevitt
Charles T. McDevitt
Daniel B. McDevitt

Dear Mr. Reffner:

Enclosed with this letter are the original deposition
"Certificates" which have been signed by my clients. Please note
that Dr. McDevitt had only one change.

Thanks, and let me know if you have any questions or comments.

Sincerely,



M. Jay Meyers

MJM/hv
enclosures
cc Thomas J. McDevitt
Sean McDevitt

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FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 11, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

M. Jay Meyers, Esq.
McDevitt, Meyers & Thomsen
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164
McDevitt for Congress and
Bruna M. McDevitt, as treasurer

Dear Mr. Meyers:

On January 30, 1992, your clients, McDevitt for Congress (the "Committee") and Bruna M. McDevitt, as treasurer, requested that the Federal Election Commission permit the Committee to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your clients, this request has been denied. Therefore, your clients are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Craig Douglas Reffner
Attorney

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 26, 1993

Robert E. Onnen, Esq.
Assistant General Counsel
First Interstate Bank of Idaho, N.A.
P. O. Box 57
Boise, Idaho 83757-0575

RE: MUR 3164
First Interstate Bank of Idaho, N.A.

Dear Mr. Onnen:

Based on a complaint filed with the Federal Election Commission on November 5, 1990, and information supplied by you on behalf of your client, the First Interstate Bank of Idaho, N.A., the Commission, on October 29, 1991, found that there was reason to believe the First Interstate Bank of Idaho, N.A., violated 2 U.S.C. § 441b(a), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find no probable cause to believe that a violation has occurred.

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

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

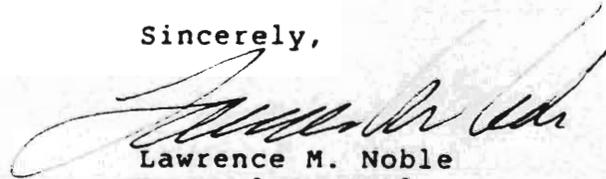
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Robert Onnen, Esq.
Assistant General Counsel
First Interstate Bank of Idaho, N.A.
Page 2

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

Should you have any questions, please contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

25043620461

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
First Interstate Bank of Idaho, N.A.) MUR 3164

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On October 29, 1991, the Federal Election Commission found reason to believe that the First Interstate Bank of Idaho, N.A. (the "Bank"), violated 2 U.S.C. § 441b(a). The basis for this finding concerned a loan that the Bank made to Sean D. McDevitt in connection with his campaign in Idaho's 1990 Second Congressional District election.

II. ANALYSIS

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), corporations and national banks are prohibited from making contributions in connection with Federal elections. 2 U.S.C. § 441b(a). The Act defines a contribution by a corporation or a national bank to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business)." 2 U.S.C. § 441b(b)(2). Under the Commission's regulations, a bank loan will be deemed to have been made in the ordinary course of business if it bears the usual and customary interest rate of the lending institution for the category of the loan involved, is made on a basis which

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assures repayment, is evidenced by a written instrument and is subject to a due date or amortization schedule. 11 C.F.R. § 100.7(b)(11).

At issue in this matter is a \$30,000 bank loan that Sean McDevitt received in February 1990. This loan was evidenced by a written instrument, bore an interest rate and a due date of February 15, 1991. This loan, however, was also unsecured and since it appeared that Sean McDevitt had recently returned to the state of Idaho and may have been unemployed it was unclear whether the Bank made the loan on a basis that would assure repayment.

The investigation in this matter shows that at the time he applied for the loan, Sean McDevitt completed a "Financial Statement" and provided the bank with evidence of his prior income and current ability to repay the loan. Bank records show that the Bank official reviewing the loan application verified Sean McDevitt's employment. In addition, internal Bank records show that the Bank viewed Sean McDevitt's debt/income ratio at the time the application was pending as within its "general standard." Furthermore, the evidence shows that in October 1990, Sean McDevitt applied for a second loan from the Bank for his campaign and that the Bank declined his request because he had insufficient income to service the debt. In this regard, it appears that the Bank had every intention of assuring that the \$30,000 loan would be repaid.

Based upon the above considerations, the General Counsel is prepared to recommend that the Commission find no probable cause

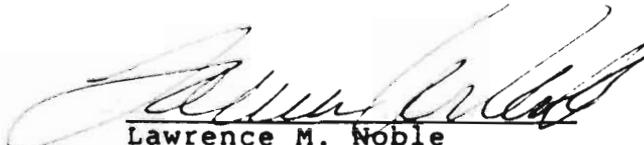
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to believe that the First Interstate Bank of Idaho, N.A.,
violated 2 U.S.C. § 441b(a).

III. GENERAL COUNSEL'S RECOMMENDATION

Find no probable cause to believe that the First Interstate
Bank of Idaho, N.A. violated 2 U.S.C. § 441b(a).

4/26/93
Date


Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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April 26, 1993

SENSITIVE

M. Jay Meyers, Esq.
McDevitt & Meyers
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164
Sean D. McDevitt

Dear Mr. Meyers:

Based on a complaint filed with the Federal Election Commission on November 5, 1990, and information supplied by you on behalf of your clients, the Commission, on October 29, 1991, found, inter alia, that there was reason to believe Sean D. McDevitt violated 2 U.S.C. § 441b(a) with respect to the receipt of a loan from the First Interstate Bank of Idaho, N.A., and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find no probable cause to believe that this violation has occurred.

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

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

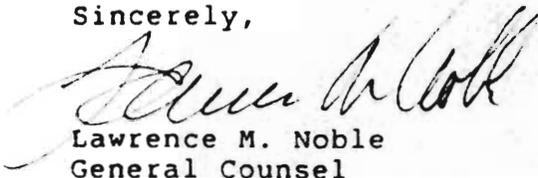
A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

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M. Jay Meyers, Esq.
McDevitt & Meyers
Page 2

Should you have any questions, please contact
Craig D. Reffner, the attorney assigned to this matter, at
(202) 219-3690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Sean D. McDevitt

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)
)

MUR 3164

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On October 29, 1991, the Federal Election Commission (the "Commission") found, inter alia, reason to believe that Sean D. McDevitt violated 2 U.S.C. § 441b(a). The basis for this finding concerned a loan that Sean McDevitt received from the First Interstate Bank of Idaho, N.A. (the "Bank"), in connection with his campaign in Idaho's 1990 Second Congressional District election.¹

II. ANALYSIS

Under the Federal Election Campaign Act of 1971, as amended (the "Act"), corporations and national banks are prohibited from making contributions in connection with Federal elections while candidates and their committees are prohibited from knowingly receiving such contributions. 2 U.S.C. § 441b(a). The Act defines a contribution by a corporation or a national bank to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank

1. The Commission also found reason to believe that Sean McDevitt, as the vice-president of the Little Red Hen, Inc., violated 2 U.S.C. § 441b(a). The basis for this finding concerned various in-kind contributions that the Little Red Hen, Inc., and its officers made to Sean McDevitt's campaign. The Commission's Section 441b(a) finding as it pertains to the Little Red Hen, Inc., and Sean McDevitt, as vice-president, is not at issue in this Brief.

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made in accordance with the applicable banking laws and regulations and in the ordinary course of business)." 2 U.S.C. § 441b(b)(2). Under the Commission's regulations, a bank loan will be deemed to have been made in the ordinary course of business if it bears the usual and customary interest rate of the lending institution for the category of the loan involved, is made on a basis which assures repayment, is evidenced by a written instrument and is subject to a due date or amortization schedule. 11 C.F.R. § 100.7(b)(11).

At issue here is a \$30,000 bank loan that Sean McDevitt received in February 1990. This loan was evidenced by a written instrument, bore an interest rate and a due date of February 15, 1991. This loan, however, was also unsecured and since it appeared that Sean McDevitt had recently returned to the state of Idaho and may have been unemployed, it was unclear whether the Bank made the loan on a basis that would assure repayment.

The investigation in this matter shows that at the time he applied for the loan, Sean McDevitt completed a "Financial Statement" and provided the bank with evidence of his prior income and current ability to repay the loan. Bank records show that the Bank official reviewing loan application verified Sean McDevitt's employment at the Little Red Hen, Inc. In addition, internal Bank records show that the Bank viewed Sean McDevitt's debt/income ratio at the time the application was pending as within its "general standard." Furthermore, the evidence shows that in October 1990, Sean McDevitt applied for a second loan from the Bank for his campaign and that the Bank

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declined his request because he had insufficient income to service the debt. In this regard, it appears that the Bank had every intention of assuring that the \$30,000 loan would be repaid.

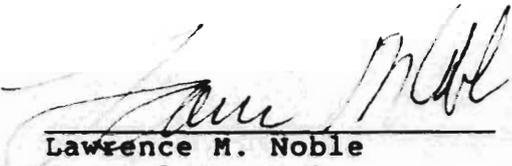
Based upon the above considerations, the General Counsel is prepared to recommend that the Commission find no probable cause to believe that Sean McDevitt violated 2 U.S.C. § 441b(a) with respect to the receipt of a loan from the First Interstate Bank of Idaho, N.A.

III. GENERAL COUNSEL'S RECOMMENDATION

Find no probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441b(a) with respect to the receipt of a loan from the First Interstate Bank of Idaho, N.A.

Date

4/26/93


Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
) MUR 3164
Sean D. McDevitt, et al.)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter centers on the financial support provided to Sean McDevitt, a candidate in Idaho's 1990 Second Congressional District election, from his parents, Thomas and Bruna McDevitt; from a corporation owned and managed by his family, the Little Red Hen; and from the First Interstate Bank of Idaho, N.A.

The Commission found reason to believe that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a); that the Little Red Hen, Inc. (the "Corporation"), Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, violated 2 U.S.C. § 441b(a); that the First Interstate Bank of Idaho, N.A. (the "Bank") violated 2 U.S.C. § 441b(a); that Sean McDevitt violated 2 U.S.C. § 441b(a) with respect to the receipt of a loan from the Bank; and that Sean McDevitt's principal campaign committee, McDevitt for Congress and Bruna M. McDevitt, as treasurer (collectively referred to as the "Committee"), violated 2 U.S.C. §§ 441a(f) and 441b(a).

II. RESULTS OF INVESTIGATION

A. Section 441a Violations

At the time of the Commission's findings, it appeared that Thomas and Bruna McDevitt had contributed at least \$36,000 to

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their son's campaign. Disclosure materials showed that in October 1990 they loaned \$30,000 to the Committee, but that this loan was later refunded and that they then contributed \$1,000 each to the primary and general elections. The available information also revealed that as early as January 1989, Thomas and Bruna McDevitt each contributed \$1,000 to the Draft McDevitt for Congress Committee ("Draft Committee"). Since it appeared that the Draft Committee may have been operating for testing-the-waters purposes, the contributions to that organization would have been subject to the Act's prohibitions and limitations.

1. Contributions to the Draft Committee

During his deposition, Thomas McDevitt explained that he organized the Draft Committee in January 1989 because he wanted his son to run for Congress. Attachment C at 14-15. He stated that he prepared a flier for this purpose and then ordered 25,000 copies of it to be printed. Id. at 24-26. See Attachment E at 34-35 (flier). He explained that many of the fliers were not distributed because he terminated his efforts in May 1989, when he realized that his son, who was serving in the military at that time, may have been precluded from seeking Federal office. Attachment C at 17-20, 24-25 and 28.

Sean McDevitt corroborated his father's testimony, explaining that he was on active military duty at Fort Lewis, Washington, during the time in question and wholly unaware of his father's efforts. Attachment D at 19, 24-26 and 40-42. In fact, he testified that it was not until his wedding at West

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Point, in June 1989, that his father informed him of the Draft Committee. Id. at 29-30. Attachments C at 44 and D at 25. Sean and Thomas McDevitt sought legal advice from an attorney at the academy that very weekend. Counsel informed them that individuals in active military status were prohibited from campaigning for Federal office. Attachments C at 46-47 and 50, and D at 42-44. According to Sean McDevitt, he then wrote his father a letter disavowing any notions of candidacy. Attachment D at 44.¹

Based upon Respondents' testimony, it does not appear that the Draft Committee was operating for testing-the-waters purposes or that Sean McDevitt had any role in the Draft Committee. Contributions made to the Draft Committee, therefore, would not be subject to the prohibitions and limitations of the Act, see Federal Election Comm'n. v. Florida for Kennedy Committee, 681 F.2d 1281, 1287-88 n.11 (11th Cir. 1982), nor would such contributions be aggregated with those made to Sean McDevitt's authorized campaign committee. Nonetheless, it appears that the Draft Committee qualified as a political committee well before it actually registered with the Commission. Id. Specifically, the Draft Committee received contributions aggregating in excess of \$1,000 in January 1989, but did not register with the Commission until January 1990.

1. In 1989, a military service member on active duty could seek elective office, but only with the express permission of his or her service secretary, and under no circumstances could the service member actively campaign. Department of Defense Directive 1344.10, September 25, 1986 (since superseded).

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Accordingly, this Office recommends that the Commission find reason to believe that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, violated 2 U.S.C. §§ 433 and 434.²

2. Contributions to the Committee

With regard to the Committee, Thomas McDevitt confirmed that he and his wife made a \$30,000 loan to their son's campaign on October 11, 1990. Attachment C at 74. He explained that his son requested the loan and that it was refunded after a campaign worker who assisted in the preparation of the Committee's disclosure reports questioned the amount involved. *Id.* at 76 and 83. Documents produced show that on November 23, 1990, Sean McDevitt purportedly repaid his father \$26,337.12. Attachment A at 16-19. Respondents explain that this payment constituted a refund of the excessive portion of the loan, \$26,000, plus interest, \$337.12, leaving \$4,000 as the total amount contributed by Sean McDevitt's parents. Attachment C at

2. Disclosure materials show that the Draft Committee received \$4,932.45 in contributions from five members of the McDevitt family: \$1,000 from Thomas McDevitt; \$1,000 from Bruna McDevitt; \$1,000 from Charles McDevitt; \$1,000 from Daniel McDevitt; and \$932.45 from James McDevitt. During his deposition, however, Thomas McDevitt stated that he alone was responsible for financing the Draft Committee's activities and he characterized the funds contributed on behalf of his children as advances on their allowances. Attachment C at 33-34. Although such an arrangement might be questionable under Section 441f, given that the Draft Committee was operating for the purpose that its name implies, this Office makes no recommendation concerning the funding of this organization. See Federal Election Comm'n. v. Florida for Kennedy Committee, 681 F.2d at 1287-88 n.11 (11th Cir. 1982) ("groups electioneering on behalf of someone who is not yet a candidate for federal office cannot be covered by the Act").

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85-87.

Although this loan was refunded within 60 days, the Committee used the loan proceeds during the intervening period. Accordingly, under 11 C.F.R. § 103.3(b)(4) the repayment does not negate the Committee's acceptance of an excessive contribution. See First General Counsel's Report at 8-9. In addition, the purported refund is itself questionable. According to Respondents, the loan refund was comprised, in part, by the sale of an automobile from Sean McDevitt to Thomas McDevitt for \$3,400. Attachments C at 87 and D at 54.³ During his deposition, however, Sean McDevitt acknowledged that he and his wife used the automobile after it was sold and that they have continued to do so. Attachment D at 57. In fact, Sean McDevitt, who currently resides in Everett, Washington, stated that the automobile is located in that state and that he

3. The remainder of the refund consisted of a cashier's check in the amount of \$2,900 and four personal checks drawn on Sean and Rebecca McDevitt's joint bank account in the amounts of \$16,000, \$2,937.12, \$1,000 and \$100. Attachment A at 17. Sean McDevitt explained that he was able to refund the loan by liquidating his savings as well as a \$17,000 retirement account (an "IRA"), which he opened in the early 1980s before he was married. The evidence shows that Sean McDevitt was married in June 1989 and that he liquidated the IRA in November 1990, depositing the funds into the joint checking account he held with his wife. Attachment C at 49 and 52-53. Although Respondents resided in a community property law jurisdiction, see Idaho Code § 32-906, Idaho courts have held that "[a]s long as separate property is identifiable and traceable, commingling of such separate property with community property does not convert separate property into community property. Lang v. Lang, 109 Idaho 802, 711 P.2d 1322 (App. 1985)(citing Evans v. Evans, 92 Idaho 911, 453 P.2d 560 (1969); Stahl v. Stahl, 91 Idaho 794, 430 P.2d 685 (1967)). In short, it appears that the vast majority, if not all, of the \$20,037.12 drawn from the joint checking account was comprised of Sean McDevitt's personal funds.

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had recently driven it, although the title to this vehicle is in his father's name. Id. at 57. Accordingly, the evidence does not support Respondents' contention that the Committee repaid the entire excessive portion of the loan.⁴

In addition to a \$30,000 loan, Thomas McDevitt also advanced personal funds on behalf of the Committee on at least two separate occasions. Invoices show that Thomas McDevitt ordered campaign materials on March 24, 1990, for \$1,246.25 and again on June 1, 1990, for \$1,174.32. Attachment A at 6-7. During his deposition, Thomas McDevitt acknowledged purchasing these materials for the campaign and explained that he was not reimbursed until "the end of the campaign." Attachment C at 66-67. Disclosure materials show that the Committee reimbursed Thomas McDevitt \$2,781.26 on November 6, 1990, for these expenses as well as other expenses he incurred in connection with the campaign. Under the Commission's regulations, funds advanced on behalf of a committee are considered an in-kind contribution at the time made and are subject to the Act's

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4. Furthermore, the agreed-upon sale price of \$3,400 overstates the value of the vehicle. Thomas and Sean McDevitt testified that they determined the value of the 1984 Plymouth Horizon based upon what similar automobiles were selling for in their area and the fact that the automobile had recently been fitted with a new engine, which Respondents valued at an additional \$1,200 to \$1,500. Attachments C at 88 and D 55-56. However, in November 1990, the average retail base price of a 1984 Plymouth Horizon was approximately \$1,400. N.A.D.A. Official Used Car Guide, November 1990, Vol. 57, No. 11. Thus, even with a new engine valued at \$1,500, the car's total value would have been only \$2,900.

contribution limitations. 11 C.F.R. § 116.5.⁵

In all, the evidence shows that Thomas and Bruna McDevitt contributed \$32,781.26 to their son's campaign: a \$30,000 loan and \$2,781.26 in advances on behalf of the Committee.

Respondents' testimony further shows that Sean McDevitt requested and was personally involved in the receipt of the \$30,000 loan from his parents. Attachment D at 46 and 52. The evidence also shows that the Committee did not disclose as a contribution the advances that Thomas McDevitt made.

Accordingly, this Office recommends that the Commission find reason to believe that Sean McDevitt violated 2 U.S.C. § 441a(f) and that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. § 434(b).

In addition to Sean McDevitt's parents, the complainant alleged that all the members of Sean McDevitt's family made excessive contributions to his campaign. See First General Counsel's Report at page 11 n.4. The investigation in this matter does not, however, support this allegation. In fact, there is no indication that Sean McDevitt's brothers, Charles, Daniel and James McDevitt, who were each notified of the

5. The effective date of Section 116.5 of the Commission's regulations was October 3, 1990, a date after Thomas McDevitt made these advances and before he was reimbursed. The Explanation and Justification accompanying Section 116.5, however, makes clear that prior to its enactment, the Commission treated the advance of funds on behalf of a committee as an in-kind contribution. 55 Fed. Reg. 26378 at 26382 (June 27, 1990)(Section 116.5 "has been prepared to clarify the Commission's treatment of payments by individuals, including campaign staff, from personal funds and personal credit cards to purchase various goods or services for political committees") (emphasis added).

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complaint, made contributions in excess of \$1,000. Accordingly, this Office recommends that the Commission find no reason to believe that Charles, Daniel and James McDevitt violated 2 U.S.C. § 441a(a) based upon the complaint filed in this matter.

B. Section 441b Violations

Our investigation also focused on apparent corporate support from the Little Red Hen, Inc. (the "Corporation"), in the form of office space, use of a company-owned vehicle, and salary payments. In addition, Sean McDevitt received a \$30,000 loan from the First Interstate Bank of Idaho, N.A. (the "Bank"), which raised questions as to whether it had been made on a basis that would assure repayment in accordance with 2 U.S.C. § 431(8)(B)(vii).

1. Little Red Hen

a. Bona fide salary from the Corporation

During his deposition, Thomas McDevitt acknowledged that the Little Red Hen is owned and managed by his family and that its operations include a local ranch and several commercial office buildings in Pocatello, Idaho. Attachment C at 93-95. He explained that he and his wife own the Corporation and hold the positions of president and secretary-treasurer, respectively, while his son Sean McDevitt holds the position of vice-president. Id. Sean McDevitt corroborated his father's testimony, explaining that in January 1990, after he left the military and returned to Idaho to seek Federal office, he began managing the Corporation's ranch, for which he received a

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salary. Attachment C at 72-73. Documents produced by Respondents show that during 1990 Sean McDevitt received a total salary of [redacted] from the Corporation. Attachment A at 3. Sean and Thomas McDevitt, however, both testified that neither they nor Mrs. McDevitt, Sr., receive compensation for serving as Officers of the Corporation. Attachments C at 97-100 and D at 72.

The Commission has enumerated three criteria which, if satisfied, mean that compensation to an employee who is a Federal candidate does not qualify as a contribution. AO 1979-74 (citing AOs 1977-45, 1977-68 and 1978-6). The salary payments to Sean McDevitt satisfy all three factors. First, the compensation was paid for "bona fide employment genuinely independent of [his] candidacy." Indeed, the evidence shows that Sean McDevitt had no ownership interest in the Corporation and did not receive compensation for serving as vice-president of the Corporation. Second, given that Sean McDevitt actively managed the Corporation's ranch, the compensation he received would appear to have been made in consideration for the services he performed. Finally, the amount of compensation at issue here, [redacted] does not appear to exceed the amount which would have been paid to any other similarly qualified person for the same work over the same period.

b. Use of office space

Thomas McDevitt further acknowledged that in April 1990 his son began occupying an office in a building owned by the Corporation. Attachment D at 101. He stated that under the

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terms of an oral lease, the rent for the office was \$400 a month. Id. at 107. Although Thomas McDevitt further testified that the office in question was subsequently rented for \$550 per month, see Attachment C at 103, the information adduced during the investigation suggests that the Committee's rent of \$400 per month qualifies as a usual and normal charge. 11 C.F.R. § 100.7(a)(1)(iii)(B).⁶

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With regard to the Committee's disbursement of \$2,900 for rent, Thomas McDevitt explained that the lease called for the campaign to pay the rent after the primary election, in May 1990, except if Sean McDevitt won the primary election, then the rent would not have to be paid until after the general election, in November 1990. Id. at 103. He also explained that his son did not pay a security deposit for the office and he testified that he was unsure as to whether the lease required the campaign to pay the cost of utilities. Id. at 107-08. Thomas McDevitt further testified that the other offices in the same building are also rented under oral leases, but that the other tenants are required to pay a security deposit, rent on a

6. Prior to the campaign's occupancy, the office in question had been vacant for approximately one year. Attachment C at 103. In addition, the office was in a state of disrepair and Thomas McDevitt required his son to address this problem so that the office could be rented after the campaign. Id. Moreover, the rent charged to the Committee was comparable to that charged to another tenant during the campaign period. According to Thomas McDevitt, the office occupied by the campaign is one of six in the building; three of the other offices are leased together for \$1,800 per month (\$600 per office per month) while the remaining two are leased together for \$900 per month (\$450 per office per month). Id. at 104-05.

monthly basis and the cost of utilities. Id.⁷

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The evidence gathered during discovery clearly shows that Sean McDevitt was provided with office space under a lease that was more favorable than the leases provided to the other tenants. Under the Act, a contribution is defined to include "anything of value" and the Commission's regulations provide that "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." 11 C.F.R. § 100.7(a)(1)(iii). Here, rather than making a \$2,900 expenditure for "rent" in November 1990, the Committee should have paid a security deposit of \$400 in April 1990, monthly rent of \$400, also beginning in April 1990 and continuing thereafter during the campaign's occupancy of the office, and the cost of utilities. Furthermore, the Committee's \$2,900 payment fails to adequately account for the campaign's occupancy of the office. Respondents testified that the office was occupied from April to November 1990, and at \$400 per month, the Committee should have paid a total of \$3,200.

c. Use of company-owned vehicle

With regard to the company-owned vehicle, Thomas McDevitt testified that in March 1990 Sean McDevitt began using the Corporation's newly-purchased truck in connection with his campaign as well as his duties managing the Corporation's ranch.

7. A review of disclosure materials shows that the Committee regularly made disbursements to the post office and the telephone company, but that no other disbursements for utilities were made.

Attachment C at 110-13. He explained that he and his son agreed that the Corporation would be reimbursed ten cents a mile for any campaign-related use of the truck and that the campaign was required to pay for fuel. Id. at 113-14. Respondents produced a document showing that between the time the truck was purchased, March 1990, and the end of the campaign, November 1990, it had been driven 36,840 miles. Attachment E at 4. After the election, Thomas McDevitt determined that sixty percent of these miles reflected his son's campaign-related use of the truck. Attachment C at 118. Sean McDevitt corroborated his father's testimony, noting that the truck "was owned by a corporation, and I knew that I would have to pay for the use of such a corporate asset." Attachment D at 79. The Committee's reports disclose a \$2,210.41 expenditure to the Corporation for "mileage" on November 11, 1990.

Under the Commission's regulations, when a candidate uses any means of transportation (other than an airplane) owned by a corporation, the corporation must be reimbursed the normal and usual rental charge within a commercially reasonable time. 11 C.F.R. § 114.9(e)(2). Here, Sean McDevitt used the vehicle in question over an eight month period and deferred payment until the end of his campaign. The deferred payment arrangement arguably does not qualify as "commercially reasonable." In any event, it does not appear that the amount the Committee ultimately paid for the vehicle constitutes a normal and usual rental charge. Under the Internal Revenue Code's "vehicle cents-per-mile rule," the value to an employee for using an

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employer-owned vehicle for personal use in 1990 was 20.5 cents per mile. Tres. Reg. § 1.61-21.⁸ Respondents testified that Sean McDevitt drove the vehicle in question 22,104 miles (i.e., 60% of the 36,840 miles incurred) in connection with his campaign and at a rate of 20.5 cents per mile, the value of this vehicle could be assessed at \$4,531.32. This is \$2,320.91 more than the Committee paid for the use of the vehicle.⁹

2. **First Interstate Bank of Idaho**

With regard to the unsecured \$30,000 bank loan, documents produced during discovery show that at the time he applied for the loan, Sean McDevitt completed a "Financial Statement" and provided the bank with evidence of his prior income and current ability to repay the loan. Attachment B at 7-12.¹⁰ Bank

8. The actual cents-per-mile rate in 1990 was 26 cents. Under Treasury Regulations, however, this rate could be reduced 5.5 cents per mile if the employee paid the cost of fuel and Respondents testified that Sean McDevitt paid this cost. Attachment C at 113. See Tres. Reg. § 1.61-21.

9. Even if the vehicle had been leased by the Corporation, the actual cost would exceed that paid by the Committee. According to staff of an automobile dealership in Pocatello, Idaho, the vehicle in question, a "Ford F-150," could have been leased in 1990 for a minimum period of two years at a cost of approximately \$500 per month and an additional eleven cents per mile for all mileage in excess of 15,000 miles per year. If such a lease were in place, the total cost to the campaign for Sean McDevitt's use of the vehicle would have been \$4,171.44.

10. The documents in question show that Sean McDevitt and his wife had a combined annual income in 1989 of \$49,000 and, as the Bank described, "some liquidity in the form of \$7,250 in listed securities, as well as [a \$17,000] IRA." Attachment B at 3. Although state law permits either spouse to bind community property by contract, Idaho Code § 32-912, courts interpreting Idaho law have held that when a spouse is not personally liable for a debt and when the debt was not incurred for the benefit of the community, community property cannot be used to satisfy the debt. See First Idaho Corporation v. Davis, 867 F.2d 1241, 1243

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records show that the Bank official reviewing the loan application verified Sean McDevitt's employment at the Little Red Hen and that the Bank viewed his debt/income ratio at the time the application was pending as within its "general standard." Id. at 3-4. Furthermore, the evidence shows that in October 1990, Sean McDevitt applied for a second loan from the Bank for his campaign and that the Bank declined his request because he had "[in]sufficient income to service [the] debt." Id. at 13-14. In this regard, it appears that the Bank had every intention of assuring that the \$30,000 loan would be repaid.¹¹ Accordingly, this Office is prepared to recommend that the Commission find no probable cause to believe that the Bank violated 2 U.S.C. § 441b(a) in connection with this loan. Briefs stating the General Counsel's position are being prepared.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTIES

Attached for the Commission's consideration is a proposed conciliation agreement in settlement of this matter. Attachment

(Footnote 10 continued from previous page)
(9th Cir. 1989) (citing Twin Falls Bank & Trust Co. v. Holley, 111 Idaho 349, 723 P.2d 893, 897 (1986)). Here, Sean McDevitt's wife did not sign the promissory note for this loan and as such she cannot be held personally liable for it. Furthermore, this bank loan was obtained by Sean McDevitt for his campaign and during his deposition he testified that all of the proceeds of the loan were used in his campaign. Attachment D at 51. In this regard, the loan would not appear to have been made for the benefit of "the community."

11. Documents submitted by the Bank and disclosure reports filed by the Committee show that the loan was retired in July 1991. Attachment B at 4.

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12. In telephone conversations with staff of this Office, counsel for Respondents has been advised of the General Counsel's additional recommendations and has requested that his clients' earlier request for pre-probable cause conciliation be read to encompass any additional findings by the Commission.

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IV. RECOMMENDATIONS

1. Find reason to believe that Sean D. McDevitt violated 2 U.S.C. § 441a(f).
2. Find reason to believe that the Draft McDevitt for Congress Committee and Dr. Thomas J. McDevitt, as treasurer, violated 2 U.S.C. §§ 433 and 434.
3. Find reason to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. § 434(b).
4. Find no reason to believe that Charles T. McDevitt, Daniel B. McDevitt or James P. McDevitt violated 2 U.S.C. § 441a(a) based upon on the complaint filed in MUR 3164.
5. Enter into conciliation with Sean D. McDevitt; Thomas J. and Bruna M. McDevitt; McDevitt for Congress and Bruna M. McDevitt, as treasurer; the Little Red Hen, Inc., Thomas J. McDevitt, as President, and

Sean D. McDevitt, as Vice President; and the Draft McDevitt for Congress Committee and Dr. Thomas J. McDevitt, as treasurer, prior to a finding of probable cause to believe.

6. Approve the attached Factual and Legal Analyses (3), the proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

Date

4/23/93

BY:


Lois G. Lerner
Associate General Counsel

Attachments

- A. Discovery response from First Interstate Bank
- B. Discovery response from Sean D. McDevitt, et al.
- C. Excerpts of deposition transcript of Thomas J. McDevitt
- D. Excerpts of deposition transcript of Sean McDevitt
- E. Additional documents produced during the deposition of Dr. Thomas J. McDevitt
- F. Factual and Legal Analyses (3)
- G. Proposed Conciliation Agreement

Staff assigned: Craig D. Reffner

25043620437



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS
COMMISSION SECRETARY

DATE: APRIL 29, 1993

SUBJECT: MUR 3164 - GENERAL COUNSEL'S REPORT
DATED APRIL 23, 1993.

The above-captioned document was circulated to the Commission on Monday, April 26, 1993 at 4:00 p.m.

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

Commissioner Aikens	<u>XXX</u>
Commissioner Elliott	<u> </u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>
Commissioner Potter	<u> </u>
Commissioner Thomas	<u> </u>

This matter will be placed on the meeting agenda for Tuesday, May 4, 1993.

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

25043620498

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Sean D. McDevitt, et al.) MUR 3164

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 4, 1993, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 3164:

1. Find reason to believe that Sean D. McDevitt violated 2 U.S.C. § 441a(f).
2. Find reason to believe that the Draft McDevitt for Congress Committee and Dr. Thomas J. McDevitt, as treasurer, violated 2 U.S.C. §§ 433 and 434.
3. Find reason to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. § 434(b).
4. Find no reason to believe that Charles T. McDevitt, Daniel B. McDevitt or James P. McDevitt violated 2 U.S.C. § 441a(a) based upon the complaint filed in MUR 3164.

(continued)

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5. Enter into conciliation with Sean D. McDevitt; Thomas J. and Bruna M. McDevitt; McDevitt for Congress and Bruna M. McDevitt, as treasurer; the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President; and the Draft McDevitt for Congress Committee and Dr. Thomas J. McDevitt, as treasurer, prior to a finding of probable cause to believe.

6. Approve the three Factual and Legal Analyses, the proposed conciliation agreement, and the appropriate letters as recommended in the General Counsel's report dated April 23, 1993.

Commissioners Elliott, McDonald, McGarry, Potter,
and Thomas voted affirmatively for the decision;
Commissioner Aikens dissented.

Attest:

5-4-93
Date

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

25043620490



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

MAY 12, 1993

M. Jay Meyers, Esq.
McDevitt & Meyers
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164
Sean D. McDevitt
McDevitt for Congress and
Bruna M. McDevitt, as treasurer
Draft McDevitt for Congress and
Thomas J. McDevitt, as treasurer
Thomas J. McDevitt, M.D.
Bruna M. McDevitt
Charles T. McDevitt
Daniel B. McDevitt
James P. McDevitt
Little Red Hen, Inc.

Dear Mr. Meyers:

On November 13, 1990, the Federal Election Commission (the "Commission") found reason to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441b(a); that Thomas J. and Bruna M. McDevitt each violated 2 U.S.C. § 441a(a); and that the Little Red Hen, Inc., and Thomas S. McDevitt, as President, and Sean D. McDevitt, as Vice-President, each violated 2 U.S.C. § 441b(a). On that date, the Commission also declined to enter into conciliation negotiations prior to a finding of probable cause to believe and instead issued subpoenas to your clients in connection with the investigation in this matter.

Based upon information gathered during the investigation, the Commission, on May 4, 1993, made additional findings against your clients. In particular, the Commission found reason to believe that Sean D. McDevitt violated 2 U.S.C. § 441a(f); that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, violated 2 U.S.C. §§ 433 and 434; and that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. § 434(b). In addition, the Commission found no reason to believe that Charles T. McDevitt, Daniel B. McDevitt or James P. McDevitt violated 2 U.S.C. § 441a(a). The Factual and Legal Analyses which formed a basis for the Commission's most recent reason-to-believe findings are attached for your information.

25043620421

M. Jay Meyers, Esq.
Page 2

At your request, the Commission, on May 4, 1993, also determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Craig Douglas Reffner, the attorney assigned to this matter at (202) 219-3400.

Sincerely,



Scott E. Thomas
Chairman

Enclosures
Conciliation Agreement
Factual and Legal Analyses (3)

25043620492

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

MUR: 3164

RESPONDENT: Sean D. McDevitt

2 5 0 4 3 6 2 0 4 9 3
The Federal Election Campaign Act of 1971, as amended (the "Act") provides that "[n]o person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a). Under the Act, a contribution is defined to include a loan, 2 U.S.C. § 431(8), and the Commission's regulations provide that a loan becomes a contribution when it is made, remains such to the extent that it remains unpaid and may not exceed the contribution limitations of the Act even if it is repaid. 11 C.F.R. § 100.7(a). The Act further prohibits any candidate or political committee from knowingly accepting any contribution in violation of this prohibition. 2 U.S.C. § 441a(f).

Sean McDevitt was a candidate in Idaho's 1990 Second Congressional District election. His principal campaign committee for this election was McDevitt for Congress (the "Committee"). Disclosure reports filed by the Committee show that Sean McDevitt's parents, Thomas and Bruna McDevitt, made a \$30,000 loan to the Committee on October 11, 1990. Sean McDevitt has stated that he requested that his parents loan him this money to influence his congressional campaign. As noted above, the Act specifically prohibits candidates from knowingly accepting contributions in excess of the Act's contribution limitations and

a contribution is defined to include a loan. Here, Sean McDevitt has acknowledged requesting and receiving a loan in excess of the Act's contribution limitations.

Therefore, there is reason to believe that Sean D. McDevitt violated 2 U.S.C. § 441a(f).

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3164

RESPONDENTS: McDevitt for Congress and
Bruna M. McDevitt, as treasurer

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act"), each treasurer of a political committee shall regularly file reports of receipts and disbursements.

2 U.S.C. § 434(a). Such reports shall disclose the total amount of receipts, including all contributions. 2 U.S.C. § 434(b). The Act defines a contribution to include "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. § 431(8)(A)(i). The Commission's regulations further provide that funds advanced on behalf of a committee are considered an in-kind contribution at the time they are made.

11 C.F.R. § 116.5.¹

McDevitt for Congress (the "Committee") is the principle campaign committee for Sean McDevitt, a candidate in Idaho's 1990 Second Congressional District election. Disclosure reports show that the Committee made a disbursement to Thomas McDevitt on

1. The effective date of Section 116.5 of the Commission's regulations was October 3, 1990. The Explanation and Justification accompanying Section 116.5, however, makes clear that prior to its enactment, the Commission treated the advance of funds on behalf of a committee as an in-kind contribution. 55 Fed. Reg. 26378 at 26382 (June 27, 1990) (Section 116.5 "has been prepared to clarify the Commission's treatment of payments by individuals, including campaign staff, from personal funds and personal credit cards to purchase various goods or services for political committees") (emphasis added).

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November 6, 1990. According to Mr. McDevitt, this was a reimbursement for funds that he advanced on behalf of the Committee during the 1990 election. In one instance, Mr. McDevitt advanced \$1,246.25 on March 24, 1990, for campaign materials. In another instance he advanced \$1,174.32 on June 1, 1990. Over the course of the campaign, he advanced a total of \$2,781.26, which is the amount of the Committee's disbursement to him. As noted above, the Act defines a contribution to include an advance and requires that political committees disclose the receipt of all contributions. Here, although Respondents disclosed making a reimbursement to Thomas McDevitt they failed to disclose the advances that he made as a contribution.

Therefore, there is reason to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. § 434(b).

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 3164

RESPONDENTS: Draft McDevitt for Congress Committee and
Thomas J. McDevitt, as treasurer

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act"), political committees must file a statement of organization no later than 10 days after establishment.

2 U.S.C. § 433. Thereafter, committees must regularly file reports showing receipts and disbursements. 2 U.S.C. § 434. The Act defines a political committee as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4).

In January 1990, the Draft McDevitt for Congress Committee (the "Draft Committee") filed a statement of organization and single disclosure report with the Federal Election Commission (the "Commission"). A review of this disclosure report shows that the Draft Committee received contributions aggregating in excess of \$1,000 in January 1989. As noted above, the Act requires all political committees to file a disclosure report within 10 days after establishment and to thereafter regularly file disclosure reports. Here, the Draft Committee received contributions aggregating in excess of \$1,000 in January 1989, but did not file a statement of organization and disclosure report with the Commission until approximately one year later, in January 1990.

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Therefore, there is reason to believe the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, violated 2 U.S.C. §§ 433 and 434.

25043620498

McDEVITT, MEYERS & THOMSEN

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-4121

FAX NO: (208) 233-4174

MAY 13 11:42 AM '93

M JAY MEYERS*
JERRY R MEYERS
STEVEN A THOMSEN

HERMAN J McDEVITT
1928-1988

DACIA SOULLIERE
MICHAEL E. BOSTWICK
*Also admitted in Wyoming

May 10, 1993

Secretary of the Commission
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3164
Sean D. McDevitt

Dear Clerk:

Enclosed please find an original together with ten copies of the
Concurrence in Position of General Counsel. Kindly file the same
and bring this matter to the attention of the Commission for
consideration.

Thank you, and please do not hesitate to contact the undersigned
should there be any question on this matter.

Sincerely,

M. Jay Meyers

MJM/hv
enclosures
cc Sean McDevitt

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FEDERAL ELECTIONS COMMISSION
93 MAY 13 PM 3:31

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M. Jay Meyers
McDEVITT, MEYERS & THOMSEN
ATTORNEYS-AT-LAW
SEVENTH AND LANDER
P.O. BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE: (208) 233-4121

ATTORNEYS FOR: Sean D. McDevitt

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 3164
)
SEAN D. McDEVITT)
_____)

93 MAY 13 PM 3:31

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FEDERAL ELECTION COMMISSION

General Counsel's Brief MUR 3164
Concurrence in Position of General Counsel.

COMES NOW Sean D. McDevitt through his attorney, M. Jay Meyers, concurring in the position of the Office of the General Counsel that the Commission should find no probable cause to believe that Sean D. McDevitt has violated 2 USC §441b(a) with respect to the receipt of a loan from First Interstate Bank of Idaho, N.A.

The General Counsel has adequately outlined 2 USC §441b(a). Under the Commission's regulations found at 11 CFR §100.7(b)(11) the investigation in this matter showed that at the time he applied for the instant loan, Sean D. McDevitt was a West Point graduate and had further served his country; that Sean D. McDevitt had participated as a Commander in the Panama invasion and had personally lead soldiers against one of the target objectives.

The foregoing is pointed out only to supplement the Office of General Counsel's statement that Sean D. McDevitt had returned to Pocatello "unemployed."

1 - CONCURRENCE IN POSITION OF GENERAL COUNSEL

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Such education and job skills demonstrate both responsibility and ability to pay the legitimately incurred bank loan.

DATED this 10th day of May, 1993.

McDEVITT, MEYERS & THOMSEN
Attorneys for Sean D. McDevitt

By: _____
M. Jay Meyers

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing document to be mailed, first class postage prepaid thereon, this 10th day of May, 1993, to the following at the address listed below:

Lawrence M. Noble
General Counsel
Federal Election Commission
999 E Street
Washington, DC 20463

Craig D. Reffner
Federal Election Commission
999 E Street
Washington, DC 20463

Secretary of the Commission
Federal Election Commission
999 E Street
Washington, DC 20463

M. Jay Meyers

2 - CONCURRENCE IN POSITION OF GENERAL COUNSEL

25043620501



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1993

VIA FACSIMILE

H. Jay Meyers, Esq.
McDevitt & Meyers
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164

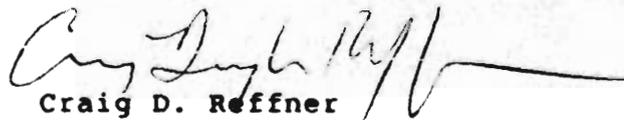
Dear Mr. Meyers:

As you are aware, the Commission, at your request, approved a conciliation proposal in an effort to resolve this matter prior to a finding of probable cause to believe. A copy of this proposal was mailed to you on May 12, 1993. Although you submitted a written response to the Commission's proposal, you have not yet submitted a counter-offer which this Office could in turn present to the Commission for its consideration. I have attempted to contact you several times over the last ten days in an effort to discuss this matter. In each instance I left a message with your secretary, requesting that you contact me. However, you have not returned any of my telephone calls.

Please note that conciliation negotiations prior to a finding of probable cause to believe are limited to a maximum of 30 days. Given that the period for pre-probable cause conciliation in this matter has expired, this Office is prepared to proceed to the next stage of the enforcement process. This Office, however, is hopeful that this matter can be resolved through pre-probable cause conciliation. Accordingly, if you are interested in resolving this matter through conciliation you should contact me within five days. Unless I hear from you within this period, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

Should you have any questions, please contact me at (202) 219-3690.

Sincerely,


Craig D. Reffner

25043620502

OAC 9202

McDEVITT, MEYERS & THOMSEN
ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE
(208) 233-4121
FAX NO: (208) 233-4174

JUN 21 9 47 AM '93

HERMAN J. McDEVITT
1928-1988

M. JAY MEYERS*
JERRY R. MEYERS
STEVEN A. THOMSEN

DACIA SOULLIERE
MICHAEL E. BOSTWICK
*Also admitted in Wyoming

ADVANCE COPY BY FACSIMILE 202-219-3923

June 17, 1993

Mr. Craig Reffner
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3164
Sean D. McDevitt
McDevitt for Congress and Bruna M. McDevitt as Treasurer
McDevitt for Congress and Thomas J. McDevitt as Treasurer
Bruna M. McDevitt
Thomas J. McDevitt, President Little Red Hen, Inc.
James P. McDevitt
Charles T. McDevitt
Daniel B. McDevitt

Dear Mr. Reffner:

We are in receipt of your faxed letter of June 16, 1993. Please be advised that Mr. Meyers is out of the office until Monday, June 21, 1993, and I will bring this matter to his attention immediately upon his return to the office.

Thank you.

Sincerely,

Holly Vaughan
Holly Vaughan
Secretary for M. Jay Meyers

:hv
cc Dr. Thomas J. McDevitt
Sean McDevitt

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McDEVITT, MEYERS & THOMSEN

ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83209
TELEPHONE
(208) 233-4121
FAX NO: (208) 233-4174

JUN 28 9 49 AM '93

HERMAN J. McDEVITT
1928-1988

M. JAY MEYERS*
JERRY R. MEYERS
STEVEN A. THOMSEN

DACIA SOULLIERE
MICHAEL E. BOSTWICK
*Also admitted in Wyoming

ADVANCE COPY BY FACSIMILE 202-219-3923

June 23, 1993

Mr. Craig Reffner
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3164
Sean D. McDevitt
McDevitt for Congress and Bruna M. McDevitt as Treasurer
McDevitt for Congress and Thomas J. McDevitt as Treasurer
Bruna M. McDevitt
Thomas J. McDevitt, President Little Red Hen, Inc.
James P. McDevitt
Charles T. McDevitt
Daniel B. McDevitt

Dear Mr. Reffner:

Mr. Meyers has asked that I write to you on his behalf. He has only been work half-days this week trying to clear up some emergency business matters and will then be out of the office from June 25, 1993, through July 14, 1993.

He just did not want to leave you up in the air on his time commitments.

Sincerely,

Dacia Soulliere

DS:hv
cc Dr. Thomas J. McDevitt
Sean McDevitt

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RECEIVED
FEDERAL ELECTIONS COMMISSION



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 23, 1993

VIA FACSIMILE

M. Jay Meyers, Esq.
McDevitt & Meyers
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164

Dear Mr. Meyers:

This is in response to the letter we received from Dacia Soulliere of your office, dated June 23, 1993, which states that you will be out of the office from June 25, 1993, through July 14, 1993.

As I explained to you in my earlier letter, dated June 16, 1993, and as Lisa Klein explained to your secretary, Holly Vaughan, earlier this afternoon, the time-period for pre-probable cause conciliation in this matter is limited. Although we offered you additional time in which to contact us to discuss this matter, we have received no substantive reply from you. Thus, it does not appear that an additional allotment of time for further conciliation efforts will be fruitful. Accordingly, unless we receive some assurance from you by June 25, 1993, that there is a reasonable basis for anticipating that this matter will be resolved through a mutually agreeable conciliation agreement, this Office will proceed to the next stage of the enforcement process.

Should you have any questions, please do not hesitate to contact me (202) 219-3690.

Sincerely,


Craig D. Reffner
Attorney

25043620505

OwC 9277

McDEVITT, MEYERS & THOMSEN

ATTORNEYS AT LAW
7TH & LANDER
POST OFFICE BOX 4747
POCATELLO, IDAHO 83205
TELEPHONE
(208) 233-4121
FAX NO: (208) 233-4174

JUN 28 9 47 AM '93

M. JAY MEYERS*
JERRY R. MEYERS
STEVEN A. THOMSEN

HERMAN J. McDEVITT
1928-1988

DACIA SOULLIERE
MICHAEL E. BOSTWICK
*Also admitted in Wyoming

ADVANCE COPY BY FACSIMILE 202-219-3923

June 24, 1993

Mr. Craig Reffner
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

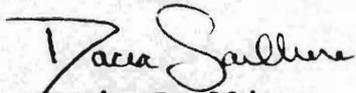
Re: MUR 3164
McDevitt for Congress

Dear Mr. Reffner:

Thank you for your faxed letter of June 23, 1993. Would you please provide this office with a copy of any and all agreements reached between the Federal Election Commission and former United States Representative Richard Stallings together with a copy of the Federal Election Commission's internal policy and/or formula used with regard to the setting of the civil penalty amount.

Thank you.

Sincerely,


Dacia Soulliere

DS:hv
cc Dr. Thomas J. McDevitt
Sean McDevitt

25043620506

93 JUN 28 AM 10:52

RECEIVED
FEDERAL ELECTION COMMISSION



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20541

June 25, 1993

VIA FACSIMILE

M. Jay Meyers, Esq.
Dacia Soulliere, Esq.
McDevitt, Meyers & Thomsen
7th & Lander
Post Office Box 4747
Pocatello, Idaho 83205

RE: MUR 3164

Dear Mr. Meyers and Ms. Soulliere:

This is in response to Ms. Soulliere's letter, dated June 24, 1993, requesting a copy of any conciliation agreements entered into between the Federal Election Commission and the Honorable Richard Stallings as well as a copy of the Commission's internal policy or formula used in calculating civil penalties.

I have previously explained to Mr. Meyers that conciliation agreements entered into with the Commission are a matter of public record. These documents, including any conciliation agreements that may involve the Honorable Richard Stallings, are maintained by the Commission's Public Disclosure Division. You may contact them directly with your request by calling (202) 219-4140. With regard to your second request, I have also explained to Mr. Meyers that the Commission looks to a myriad of factors in calculating civil penalties. Any "internal policy and/or formula" for calculating civil penalties, however, would be confidential.

As you are well aware, the period for pre-probable cause conciliation is limited to thirty days. Moreover, we have extended this period on more than one occasion in the hopes of resolving this matter through conciliation. In light of the fact that you have opted not to respond to the Commission's conciliation proposal, as suggested in our letter dated June 23, 1993, this Office is proceeding to the next stage of the enforcement process.

Should you have any questions, please do not hesitate to contact me (202) 219-3690.

Sincerely,


Craig D. Reffner
Attorney

25043620507

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OGC 9597

McDEVITT, MEYERS & THOMSEN

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-4121

FAX NO: (208) 233-4174

M. JAY MEYERS*
JERRY R. MEYERS
STEVEN A. THOMSEN

DACIA SOULLIERE
MICHAEL E. BOSTWICK
*Also admitted in Wyoming

HERMAN J. McDEVITT
1928-1988

July 28, 1993

Lisa Klein
Assistant General Counsel
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3164

Dr. Ms. Klein:

This letter is a follow-through to my communications of last week.

We are withdrawing as attorneys for the McDevitts. You may contact them directly as you desire.

Sincerely,



M. Jay Meyers

MJM/hv

cc Thomas J. McDevitt, M.D.
Sean McDevitt

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COMMUNICATIONS SECTION

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McDEVITT, MEYERS & THOMSEN

ATTORNEYS AT LAW

7TH & LANDER

POST OFFICE BOX 4747
POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-4121

FAX NO: (208) 233-4174

M JAY MEYERS*
JERRY R MEYERS
STEVEN A THOMSEN

DACIA SOULLIERE
MICHAEL E BOSTWICK
*Also admitted in Wyoming

HERMAN J. McDEVITT
1928-1988

August 2, 1993

Craig Reffner
Assistant General Counsel
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3164

Dear Mr. Reffner:

I am in receipt of your July 30, 1993, letter. Our letters have apparently passed in the mail. You will need to contact the McDevitts directly on this matter.

I understand that Mrs. McDevitt has additional health problems which may be preoccupying them.

In view of my withdrawal as counsel due to inexperience in FEC matters, I do not believe that my bit by bit response to your letter of July 30th is necessary nor would serve the McDevitts.

The further proceedings in this matter should be directed Sean and Dr. Tom McDevitt.

Sincerely,



M. Jay Meyers

MJM/hv

cc Thomas J. McDevitt, M.D.
Sean McDevitt

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

AUGUST 9, 1993

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dr. Thomas McDevitt
237 South 7th Avenue
Pocatello, Idaho 83201

RE: MUR 3164

Dear Dr. McDevitt:

On August 3, 1993, M. Jay Meyers, Esq., notified this Office that he was no longer representing you or any of the other Respondents in this matter. I have since attempted to contact you directly so that we may discuss the conciliation agreement that the Commission is proposing in settlement of this matter. To date, however, you have not returned any of my telephone calls. In addition, I have also attempted to contact your son, Sean McDevitt, for the same reason. According to the telephone company, however, Sean has an unpublished telephone number.

Although this Office is hopeful that this matter can be resolved through conciliation, we must nonetheless proceed with the handling of this matter. Accordingly, if you are interested in resolving this matter through conciliation prior to a finding of probable cause to believe, you and/or your son should contact me within three days. Unless we hear from you within this time, we will advise the Commission that pre-probable cause conciliation has not been fruitful.

In addition, if you intend to again be represented by counsel in this matter, please complete the enclosed a Designation of Counsel Statement and return it to this Office immediately.

Should you have any questions, you may contact me at (202) 219-3690.

Sincerely,

Craig D. Ruffner
Attorney

Enclosure

25043620510



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 9, 1993

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Sean D. McDevitt
P. O. Box 2391
Everett, Washington 98203

RE: MUR 3164

Dear Mr. McDevitt:

On August 3, 1993, M. Jay Meyers, Esq., notified this Office that he was no longer representing you or any of the other Respondents in this matter. I have since attempted to contact you directly so that we could discuss the conciliation agreement that the Commission is proposing in settlement of this matter. According to the telephone company, however, you have an unpublished telephone number. In addition, I have also attempted to contact your father for the same reason. To date, however, he has not returned any of my telephone calls.

Although this Office is hopeful that this matter can be resolved through conciliation, we must nonetheless proceed with the handling of this matter. Accordingly, if you are interested in resolving this matter through conciliation prior to a finding of probable cause to believe, you and/or your father should contact me within three days. Unless we hear from you within this time, we will advise the Commission that pre-probable cause conciliation has not been fruitful.

In addition, if you intend to again be represented by counsel in this matter, please complete the enclosed a Designation of Counsel Statement and return it to this Office immediately.

Should you have any questions, you may contact me at (202) 219-3690.

Sincerely,


Craig D. Reffner
Attorney

Enclosure

25043620511



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 9, 1993

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Bruna M. McDevitt, Treasurer
McDevitt for Congress
237 South 7th Avenue
Pocatello, Idaho 83201

RE: MUR 3164

Dear Mrs. McDevitt:

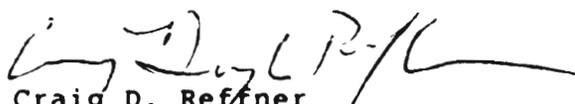
On August 3, 1993, M. Jay Meyers, Esq., notified this Office that he was no longer representing McDevitt for Congress and you, as treasurer, or any of the other Respondents in this matter. I have since attempted to contact both your husband and your son, Sean McDevitt, directly to discuss the conciliation agreement that the Commission is proposing in settlement of this matter. To date, however, your husband has not returned any of my telephone calls. In addition, the telephone company has informed me that your son has an unpublished telephone number.

Although this Office is hopeful that this matter can be resolved through conciliation, we must nonetheless proceed with the handling of this matter. Accordingly, if you are interested in resolving this matter through conciliation prior to a finding of probable cause to believe, you, your husband, and/or your son Sean should contact me within three days. Unless we hear from you within this time, we will advise the Commission that pre-probable cause conciliation has not been fruitful.

In addition, if you intend to again be represented by counsel in this matter, please complete the enclosed a Designation of Counsel Statement and return it to this Office immediately.

Should you have any questions, you may contact me at (202) 219-3690.

Sincerely,


Craig D. Refiner
Attorney

Enclosure

25043620512

OAC 9810

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FEDERAL ELECTION
COMMISSION
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**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

ATTORNEYS AT LAW

2525 FIRST INTERSTATE CENTER
999 THIRD AVENUE

SEATTLE, WASHINGTON 98104-4089
(206) 382-2600

AUG 30 1 19 PM '93

TELEX: 3737171
FACSIMILE: (206) 223-3929

JONATHAN I. FE...
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

MARK V. JORDAN

August 20, 1993

**BY FAX TO 202-219-3923; CONFIRMING
ORIGINAL MAILED**

Mr. Craig Reffner
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: **MUR 3164 - McDevitt for Congress, et al.**

Dear Mr. Reffner:

This letter will confirm that I will be representing the respondents in MUR 3164 (McDevitt for Congress, et al.). My clients have confirmed in writing their engagement of our firm, but I have not yet received from them signed Designations of Counsel on the form that you sent them after their previous attorney withdrew. My clients have informed me that they have signed the forms, and I expect to receive them shortly.

In the meantime, I must request on my clients' behalf an extension in the conciliation period by at least an additional thirty days. I recognize that the Commission has extended the conciliation period already, and that it may therefore be difficult for you to get approval of an additional time extension. There is, unfortunately, no possibility that I could have responded substantively to the outstanding conciliation offer by today. My clients have just recently retained me, and I received a large stack of documents from previous counsel earlier this week (including transcripts of testimony you subpoenaed in December 1991) which I must review. I expect that extension in the conciliation offer will be the last such extension respondents request.

Furthermore, in view of the amount of time that this case has been in process at the Commission, the extension I am requesting seems reasonable. I believe, moreover, that granting the extension will be in the best interests of the Commission, as

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COMMISSION

SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.

Mr. Craig Reffner
August 20, 1993
Page 2

it will give me reasonable opportunity to determine whether a substantive response to your conciliation offer can be made.

As I informed you in our telephone conversation earlier this week, I will be out of the office all of next week on a much deferred vacation. I will contact you on my return. By then I fully expect to have signed Designations of Counsel from my clients, which I will send you.

Again, I regret the need to request a further extension in conciliation, but the circumstances of my engagement as counsel in this matter have left me no option.

Please contact me if you have any questions regarding this letter.

Very truly yours,



Jonathan I. Feil

JIF:djh
Enclosure
cc: Dr. Thomas McDevitt
Sean McDevitt
G:\MCDET\08REF20.LTR

25043620514



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 24, 1993

VIA FACSIMILE

Jonathan I. Feil, Esq.
Simburg, Ketter, Sheppard & Purdy, P.S.
2525 First Interstate Center
999 Third Avenue
Seattle, Washington 98104-4089

RE: MUR 3164

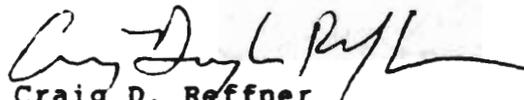
Dear Mr. Feil:

2 5 0 4 3 6 2 0 5 1 5

This is in response to your letter, dated August 20, 1993, in which you request a thirty (30) day extension to respond to the Commission's conciliation proposal in the above-referenced matter. As you are aware, the Commission's conciliation proposal was approved in May 1993 and despite several extensions already granted by this Office, to date, your clients have not submitted a counter-offer. Although this Office realizes that you have recently begun representing the Respondents in this matter we cannot grant your full request, but can only agree to a fifteen (15) day extension. Accordingly, if this Office does not receive a signed conciliation proposal from you for the Commission's consideration by the close of business on September 7, 1993, we will notify the Commission that conciliation negotiations have not been fruitful and proceed to the next stage of the enforcement process.

Should you have any questions, please do not hesitate to contact me at (202) 219-3690.

Sincerely,


Craig D. Reffner
Attorney

OAC 9843

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**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

ATTORNEYS AT LAW

2525 FIRST INTERSTATE CENTER

999 THIRD AVENUE

SEATTLE, WASHINGTON 98104-4089

(206) 382-2600

TELEX 3737171

FACSIMILE (206) 223-3929

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

MARK V. JORDAN

August 30, 1993

**BY FAX TO 202-219-3923;
CONFIRMING ORIGINAL MAILED**

Mr. Craig Reffner
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 3164

Dear Mr. Reffner:

Thank you for your August 24 letter. We will endeavor to respond to the Commission's conciliation proposal by the end of this week.

Enclosed are two Statements of Designation of Counsel signed by my clients. I believe this completes the necessary authorization for us to appear as counsel for respondents in this matter.

Please contact me if you have any questions, or if anything further is needed.

Very truly yours,


Jonathan I. Feil

JIF:djh

Enclosures

cc: Dr. Thomas McDevitt
and Mrs. Bruna McDevitt
Sean McDevitt

G:\C\MCD\08REF30.LTR

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STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
COMMISSION

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MUR 3164

NAME OF COUNSEL: Jonathan L. Fiel

ADDRESS: Simburg, Ketter, Sheppard + Purdy, P.S.
2525 First Interstate Center
999 Third Avenue

TELEPHONE: Seattle, WA 98104-4089
206-382-2600

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

8/19/93
Date

Bruna M. McDevitt
Thomas J. McDevitt
Signature

RESPONDENT'S NAME: Thomas J. McDevitt
Bruna M. McDevitt

ADDRESS: 237 South 7th Avenue
Pocatello, ID 83201

HOME PHONE: _____

BUSINESS PHONE: _____

COPY SERVICES

SEP 3 1993

SIMBURG, KETTER,
SHEPPARD & PURDY

25043620517

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3164

NAME OF COUNSEL: Jonathan I. Friel

ADDRESS: Simburg, Ketter, Sheppard + Pudy, P.S.
2525 First Interstate Center
999 Third Avenue

TELEPHONE: Seattle, WA 98104-4089
206-382-2600

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.

19 AUG 93
Date


Signature

RESPONDENT'S NAME: Sean McDevitt

ADDRESS: P.O. Box 2391
Everett, WA 98203-0391

HOME PHONE: _____

BUSINESS PHONE: _____

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

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SECRETARY'S OFFICE

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SENSITIVE

October 15, 1993

Jonathan I. Feil, Esq.
Simburg, Ketter, Sheppard & Purdy, P.S.
2525 First Interstate Center
999 Third Avenue
Seattle, Washington 98104-4089

RE: MUR 3164

Dear Mr. Feil:

In addition, after considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441a(f), that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, each violated 2 U.S.C. §§ 433 and 434, that McDevitt for Congress and Bruna M. McDevitt, as treasurer, each violated 2 U.S.C. §§ 434(b), 441a(f) and 441b(a), that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, each violated 2 U.S.C. § 441b(a) and that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a)(1)(A).

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

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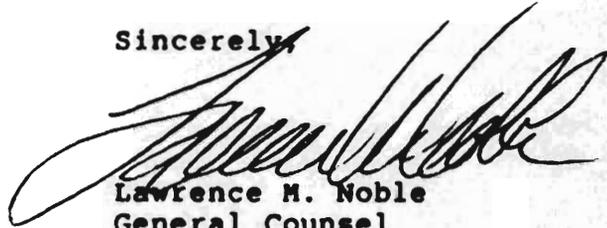
Jonathan I. Feil, Esq.
Page 2

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

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

Should you have any questions, please contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Brief

5043620520

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3164
Sean D. McDevitt, et al.)

GENERAL COUNSEL'S BRIEF

I. BACKGROUND

This matter, which arose from a complaint filed by the Idaho State Democratic Party, concerns Sean McDevitt's 1990 campaign in Idaho's Second Congressional District election. Based upon the complaint and the responses received thereto, it appeared that Sean McDevitt's parents, Thomas and Bruna McDevitt, contributed \$30,000 to their son's campaign and that the Little Red Hen, Inc., a corporation owned and managed by Sean McDevitt's family made various in-kind contributions to his campaign, including office space and the use of a company-owned vehicle.

Based upon the available information, the Commission found reason to believe that Respondents violated various provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). In particular, the Commission found reason to believe that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a); that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President (collectively referred to as the "Corporation"), each violated 2 U.S.C. § 441b(a); and that Sean McDevitt's principal campaign committee, McDevitt for Congress and Bruna M. McDevitt, as treasurer (collectively referred to as the

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"Committee"), each violated 2 U.S.C. §§ 441a(f) and 441b(a).¹

Following the investigation into this matter, the Commission made additional reason-to-believe findings. Specifically, the Commission found reason to believe that Sean McDevitt violated 2 U.S.C. § 441a(f); that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer (collectively referred to as the "Draft Committee"), each violated 2 U.S.C. §§ 433 and 434; and that the Committee also violated 2 U.S.C. § 434(b). The basis for the Commission's finding concerning Sean McDevitt arose from information gathered during discovery which showed that Sean McDevitt was personally involved in the receipt of the \$30,000 contribution from his parents. In the case of the Draft Committee, the evidence showed that before Sean McDevitt registered as a candidate, his family attempted to draft him as a candidate. They failed, however, to register with the Commission and report the Draft Committee's activities on a timely basis. Lastly, the available information showed that the Committee failed to disclose certain in-kind contributions received during the

1. The Commission also found reason to believe that Sean McDevitt violated 2 U.S.C. § 441b(a) with respect to the receipt of a loan from the First Interstate Bank of Idaho, N.A. The basis for this finding concerned information which showed that Sean McDevitt may have received a bank loan that was not made in the ordinary course of business, in violation of the Act. Following the investigation in this matter, however, counsel for Sean McDevitt was notified, on April 26, 1993, that the General Counsel was prepared to recommend that the Commission find no probable cause to believe that Sean McDevitt violated 2 U.S.C. § 441b(a) in connection with the receipt of a loan from the First Interstate Bank of Idaho, N.A. Counsel responded to the General Counsel's Brief on May 10, 1993, stating that he was "concurring" with the General Counsel's position with respect to this particular issue.

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election.

In all, the investigation shows that Thomas and Bruna McDevitt made contributions to the Committee in excess of the Act's contribution limit, that Sean McDevitt personally received an excessive contribution from his parents and that the Committee failed to disclose a portion of Thomas and Bruna McDevitt's contributions to their son's campaign. The evidence also shows that the Corporation made a prohibited in-kind contribution to the Committee and that Thomas and Sean McDevitt, as officers of the Corporation, consented to this contribution. Lastly, the evidence shows that the Draft Committee failed to comply with the Act's registration and reporting requirements on a timely basis.

II. STATEMENT OF THE CASE

A. Excessive Contributions and Reporting Violation

Under the Act, no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office, which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A). In addition, it is unlawful for any candidate or political committee to knowingly accept any contribution that is in excess of this limitation. 2 U.S.C. § 441a(f). The Act defines a contribution to include any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A). The Commission's regulations further provide that funds advanced on behalf of a committee are considered an in-kind contribution at

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the time they are made, 11 C.F.R. § 116.5,² and the Act requires political committees to disclose all contributions received. 2 U.S.C. § 434(b).

The Commission's regulations further require the treasurer of a political committee to examine all contributions received for evidence of illegality. 11 C.F.R. § 103.3(b). Contributions which exceed the contribution limitations of the Act on their face, and contributions which do not exceed the Act's limitations on their face, but which do exceed those limitations when aggregated with other contributions from the same contributor, may either be deposited into a campaign depository or returned to the contributor. 11 C.F.R. § 103.3(b)(3). If any such contribution is deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor. Id. If a redesignation or reattribution is not obtained, the treasurer shall, within sixty (60) days of the treasurer's receipt of the contribution, refund the contribution to the contributor. Id. Any contribution which appears to be excessive and which is deposited into a campaign depository shall not be used for any disbursements by the political committee until the contribution

2. The effective date of Section 116.5 of the Commission's regulations was October 3, 1990, a date after Thomas McDevitt made these advances and before he was reimbursed. The Explanation and Justification accompanying Section 116.5, however, makes clear that prior to its enactment, the Commission treated the advance of funds on behalf of a committee as an in-kind contribution. 55 Fed. Reg. 26378 at 26382 (June 27, 1990)(Section 116.5 "has been prepared to clarify the Commission's treatment of payments by individuals, including campaign staff, from personal funds and personal credit cards to purchase various goods or services for political committees") (emphasis added).

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has been determined to be legal. 11 C.F.R. § 103.3(b)(4).

During his deposition, Thomas McDevitt confirmed that he and his wife made a \$30,000 loan to their son's campaign on October 11, 1990. He explained that Sean McDevitt requested the loan and that he gave the loan to Sean McDevitt. Sean McDevitt, in his deposition, confirmed receiving the loan, noting that he disbursed the funds to the Committee. He further testified that he personally refunded the loan. Documents produced during the Commission's investigation show that on November 23, 1990, Sean McDevitt repaid his father \$26,337.12, which included the excessive portion of his parents' contribution, \$26,000, plus interest, \$337.12, leaving \$4,000 as the total amount contributed by Sean McDevitt's parents.

Although this loan was refunded within 60 days, the evidence shows that the Committee used the loan proceeds during the intervening period. In fact, disclosure reports show that during the reporting periods between the time the loan was received and the time it was refunded the Committee's cash-on-hand balance did not exceed \$10,447.83. Accordingly, under 11 C.F.R. § 103.3(b)(4) Respondents' repayment would not negate the acceptance of an excessive contribution. In addition, the evidence shows that this loan was not fully refunded. According to Respondents, the loan refund was comprised, in part, by the sale of an automobile from Sean McDevitt to Thomas McDevitt for \$3,400. During his deposition, however, Sean McDevitt acknowledged that he and his wife used the automobile after it was sold and that they have continued to do so. In fact, Sean McDevitt, who currently resides

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in Everett, Washington, stated during his deposition that the automobile in question is located in that state and that he had recently driven it, although the title to this vehicle is in the name of Thomas McDevitt, who continues to reside in Pocatello, Idaho.³

In addition to a \$30,000 loan, the evidence shows that Thomas McDevitt advanced personal funds on behalf of the Committee on at least two separate occasions. Invoices produced by the Respondents show that Thomas McDevitt ordered and paid for campaign materials on March 24, 1990, for \$1,246.25 and again on June 1, 1990, for \$1,174.32. During his deposition, Thomas McDevitt acknowledged purchasing these materials for the campaign and explained that he was not reimbursed until "the end of the campaign." Disclosure materials show that the Committee reimbursed Thomas McDevitt \$2,781.26 on November 6, 1990, for these expenses as well as other expenses he incurred in connection with the campaign.

Moreover, although the Committee disclosed that it had reimbursed Thomas McDevitt for the advances he made, disclosure reports show that the Committee failed to disclose these advances

3. Furthermore, Respondents' agreed-upon sale price of \$3,400 for this automobile overstates its value. Thomas and Sean McDevitt testified that they determined the value of the 1984 Plymouth Horizon based upon what similar automobiles were selling for in their area and the fact that the automobile had recently been fitted with a new engine, which Respondents valued at an additional \$1,200 to \$1,500. However, in November 1990, the average retail base price of a 1984 Plymouth Horizon was approximately \$1,400. NEEDIER. Official Used Car Guide, November 1990, Vol. 57, No. 11. Thus, even with a new engine valued at \$1,500, the car's total value would have been only \$2,900.

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as an in-kind contribution. As noted above, funds advanced on behalf of a Committee are considered an in-kind contribution at the time made and under the Act political committees are required to disclose all receipts. 2 U.S.C. § 434(b).

In all, the evidence shows that the Committee received contributions from Thomas and Bruna McDevitt totaling \$32,781.26: a \$30,000 loan and \$2,781.26 in advances. This is \$28,781.26 in excess of the amount that Thomas and Bruna McDevitt could have lawfully contributed to their son's campaign.⁴ The evidence further shows that Sean McDevitt was personally involved in the receipt of an excessive contribution, in the form of a \$30,000 loan from his parents. Lastly, the evidence shows that the Committee did not disclose as a contribution the advances that Thomas McDevitt made.

Accordingly, the General Counsel is prepared to recommend that the Commission find probable cause to believe that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a)(1)(A); that Sean McDevitt violated 2 U.S.C. § 441a(f); and that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b).

B. Corporate Contributions

Under the Act, corporations are prohibited from making contributions or expenditures in connection with Federal

4. Although the contributions were made after the 1990 primary election, the Committee appears to have had debts outstanding at that time. See 11 C.F.R. § 110.1(b)(3). Thus, it appears to have been permissible under the Act for Mr. and Mrs. McDevitt to have contributed a total of \$4,000 to the candidate.

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elections. 2 U.S.C. § 441b(a). The Act further prohibits any officer or any director of any corporation from consenting to any contribution or expenditure prohibited under the Act. Id. It is also unlawful for candidates and political committees to knowingly accept or receive any contributions prohibited under the Act. Id.

For purposes of Section 441b(a), the Act defines a contribution or expenditure to include 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 Federal election. 2 U.S.C. § 441b(b)(2). The Commission's regulations explain that "anything of value" includes all in-kind contributions, including the provision of goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services. 11 C.F.R.

§ 100.7(a)(1)(iii)(A). The term "usual and normal charge" is defined to mean in the case of goods, the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. 11 C.F.R. § 100.7(a)(1)(iii)(B).

Evidence gathered during the investigation confirms that Sean McDevitt leased office space from the Little Red Hen and also used a company-owned vehicle in connection with his campaign. In the case of the office space, in his deposition, Thomas McDevitt explained that in April 1990, Sean McDevitt began occupying an office in a building owned by the Corporation and that under the terms of an oral lease, the rent for the office was \$400 a month. Thomas McDevitt further explained that the lease called for the

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campaign to pay the rent after the primary election, in May 1990, except if Sean McDevitt won the primary election, then the rent would not have to be paid until after the general election, in November 1990. He further testified that under the lease, Sean McDevitt was not required to pay a security deposit for the office. In his deposition, Sean McDevitt confirmed the terms of this lease, adding that the monthly rent included the cost of utilities.

Although the Committee made one \$2,900 payment to the Corporation for rent in November 1990, the evidence gathered during discovery clearly shows that Sean McDevitt was provided with office space under a lease that was more favorable than the leases provided to other tenants. Indeed, in contrast to Sean McDevitt's lease, Thomas McDevitt testified that the other tenants in the same building, who also rent under oral leases, are required to pay a security deposit, rent on a monthly basis and the cost of utilities. Here, rather than making a \$2,900 expenditure for "rent" in November 1990, the Committee should have paid a security deposit of \$400 in April 1990, monthly rent of \$400, also beginning in April 1990 and continuing thereafter during the campaign's occupancy of the office, and the cost of utilities. Furthermore, the Committee's \$2,900 payment fails to adequately account for the campaign's occupancy of the office. Indeed, Respondents testified that the office was occupied from April to November 1990, and at \$400 per month, the Committee should have paid a total of \$3,200.

With regard to the company-owned vehicle, Thomas McDevitt

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testified that in March 1990 Sean McDevitt began using the Corporation's newly-purchased truck in connection with his campaign as well as his duties managing the Corporation's ranch. He explained that he and his son agreed that the Corporation would be reimbursed ten cents a mile for any campaign-related use of the truck and that the campaign was required to pay for fuel. Respondents produced a document showing that between the time the truck was purchased, March 1990, and the end of the campaign, November 1990, it had been driven 36,840 miles. Disclosure reports filed by the Committee show a \$2,210.41 expenditure to the Corporation for "mileage" on November 11, 1990.

Here, again, the evidence clearly shows that the amount the Committee ultimately paid for the vehicle does not constitute a normal and usual rental charge. Indeed, Sean McDevitt was provided with the vehicle in question in connection with his duties managing the Corporation's ranch and under the Internal Revenue Code's "vehicle cents-per-mile rule," the value to an employee for using an employer-owned vehicle for personal use in 1990 was 20.5 cents per mile. Tres. Reg. § 1.61-21.⁵ Respondents testified that Sean McDevitt drove the vehicle in question 22,104 miles (i.e., 60% of the 36,840 miles incurred) in connection with his campaign and at a rate of 20.5 cents per mile, the value of this vehicle to Sean McDevitt's campaign totals \$4,531.32. This

5. The actual cents-per-mile rate in 1990 was 26 cents. Under Treasury Regulations, however, this rate could be reduced 5.5 cents per mile if the employee paid the cost of fuel and Respondents testified that Sean McDevitt paid this cost. See Tres. Reg. § 1.61-21.

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is \$2,320.91 more than the Committee paid for the use of the vehicle. Nor does it appear that under the deferred payment arrangement, the Committee paid for the candidate's use of the vehicle within a commercially reasonable time.

Moreover, the evidence shows that Thomas McDevitt, as the President of the Corporation, and Sean McDevitt, as the Vice President of the Corporation, were involved in the lease of office space to the campaign as well as the campaign's use of the company-owned vehicle. In fact, the deposition testimony shows that Thomas and Sean McDevitt are the individuals who negotiated the lease of office space and agreed that Sean McDevitt could use the company-owned vehicle in his campaign. As noted above, both the office space and the company-owned vehicle resulted in in-kind contributions to Sean McDevitt's campaign. In this regard, Thomas and Sean McDevitt, as officers of the Corporation, consented to the making of a prohibited in-kind contribution to Sean McDevitt's campaign.

In all, the evidence shows that the Committee received prohibited in-kind contributions from the Corporation totaling \$2,620.91: the favorable lease of office space at \$300 less than the usual and normal charge and the use of a company-owned vehicle at \$2,320.91 less than the usual and normal charge. In addition, the evidence shows that Thomas and Sean McDevitt, as officers of the Corporation, consented to the making of this prohibited contribution. Accordingly, the General Counsel is prepared to recommend that the Commission find probable cause to believe that the Little Red Hen, Inc., Thomas J. McDevitt, as President,

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Sean D. McDevitt, as Vice President, the McDevitt for Congress Committee and Bruna M. McDevitt, as treasurer, each violated 2 U.S.C. § 441b(a).

C. Draft Committee

Pursuant to the Federal Election Campaign Act of 1971, as amended (the "Act"), political committees must file a statement of organization no later than 10 days after establishment.

2 U.S.C. § 433. Thereafter, committees must regularly file reports showing receipts and disbursements. 2 U.S.C. § 434. The Act defines a political committee as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. § 431(4).

In January 1990, the Draft McDevitt for Congress Committee (the "Draft Committee") filed a statement of organization and single disclosure report with the Commission. A review of this disclosure report shows that the Draft Committee received contributions aggregating in excess of \$1,000 in January 1989. As noted above, the Act requires all political committees to file a disclosure report within 10 days after establishment and to thereafter regularly file disclosure reports. Here, the evidence shows that the Draft Committee received contributions aggregating in excess of \$1,000 in January 1989, but did not file a statement of organization and disclosure report with the Commission until approximately one year later, in January 1990, in violation of Sections 433 and 434 of the Act. Although Respondents maintain

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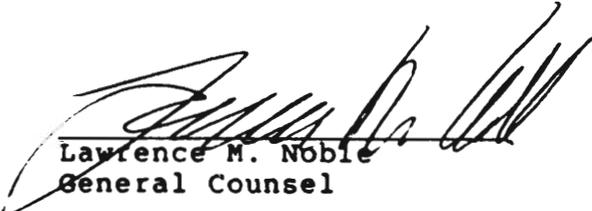
that the Draft Committee has since terminated, Sections 433 and 434 of the Act focus on the point in time that an organization becomes a political committee. Thus, the fact that a political committee may have terminated after it has already registered with the Commission is irrelevant to determining whether that organization initially complied with the Act's registration and reporting requirements on a timely basis.

Accordingly, the General Counsel is prepared to recommend that the Commission find probable cause to believe that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, each violated 2 U.S.C. §§ 433 and 434.

III. RECOMMENDATIONS

1. Find probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441a(f).
2. Find probable cause to believe that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, each violated 2 U.S.C. §§ 433 and 434.
3. Find probable cause to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, each violated 2 U.S.C. §§ 434(b), 441a(f) and 441b(a).
4. Find probable cause to believe that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, each violated 2 U.S.C. § 441b(a).
5. Find probable cause to believe that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a)(1)(A).

10/13/93
Date


Lawrence M. Noble
General Counsel

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RECEIVED
FEDERAL ELECTION COMMISSION

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SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.

CONFIRMATION

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

ATTORNEYS AT LAW
2525 FIRST INTERSTATE CENTER
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(206) 382-2600

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MARK V. JORDAN

October 26, 1993

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

Attn: Mr. Craig D. Reffner

Re: MUR 3164

Dear Mr. Noble:

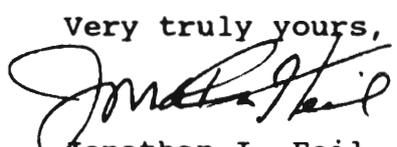
This acknowledges receipt of your October 15, 1993 notice (received by mail October 18, 1993) that your office intends to recommend that the Commission proceed to a vote on probable cause.

I request, on my clients' behalf, an extension in the time to file a responsive brief. Respondents' brief is now due on November 2, 1993. We request a 20-day extension, to November 22.

I may not be able to file a responsive brief within the original 15-day deadline. Your notice arrived while I was out of town; I returned yesterday from a week and a half's absence. Without an extension, this would leave me only a week to prepare the responsive brief. As a member of a small law firm, I am also basically the only attorney working on this matter, and I need to fit the responsive brief into a heavy schedule with other matters coming due during the same frame. This workload is exacerbated by my recent absence from the office. In addition, I have to communicate long-distance with clients located in Idaho, which adds time to the process.

Although I hope not to use the full 20-day period requested, an extension of that span will best assure that I can complete the brief in a timely fashion.

Thank you for your consideration of this request. Please contact me if you have any questions regarding this letter.

Very truly yours,

Jonathan I. Feil

JIF:djh
cc: Respondents
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COMMISSION
ADMINISTRATIVE DIVISION
Nov 2 9 01 AM '93

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 29, 1993

Jonathan I. Feil, Esq.
Simburg, Ketter, Sheppard &
Purdy, P.S.
2525 First Interstate Center
999 Third Avenue
Seattle, Washington 98104-4089

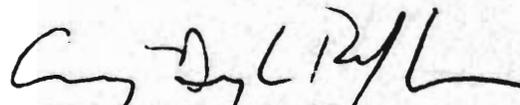
RE: MUR 3164

Dear Mr. Feil:

This is in response to your letter dated October 26, 1993, which we received on October 26, 1993, requesting an extension of 20 days to respond to the General Counsel's Brief in this matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on November 22, 1993.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig Douglas Reffner
Attorney

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 19, 1993

Jonathan I. Feil, Esq.
Simburg, Ketter, Sheppard & Purdy, P.S.
2525 First Interstate Center
999 Third Avenue
Seattle, Washington 98104-4089

RE: MUR 3164
Sean McDevitt, et al

Dear Mr. Feil:

Enclosed you will find copies of the disclosure reports that you requested. As we discussed, these are the disclosure reports filed by your clients during the 1990 election, covering the reporting period of July 1, 1990, through December 31, 1990. In addition and as we discussed, these materials are being sent to you today, at your expense, via Federal Express, for delivery on Saturday, November 20, 1993. As you requested, I will instruct Federal Express to hold the materials at their office at 820 Third Avenue, Seattle, Washington 98104, where, as you stated, you would pick them up in person on Saturday, November 21, 1993.

Please be advised that requests such as yours are ordinarily processed by the Commission's Public Disclosure Office. However, under the circumstances here, including the fact that your response to the General Counsel's Brief in this matter is due on November 22, 1993, this Office has processed your request in an effort to assist you and, in turn, avoid any further delay in this matter.

If this letter does not accurately reflect our conversation, please do not hesitate to contact me at (202) 219-3690.

Sincerely,


Craig Douglas Reffner
Attorney

Enclosures

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COPY

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

ATTORNEYS AT LAW

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MELVYN JAY SIMBURG

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RECEIVED
FEDERAL ELECTION COMMISSION

November 20, 1993

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

Re: MUR 3164

Dear Secretary:

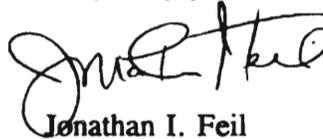
Enclosed for filing in the above-numbered matter are an original and ten copies of Respondents' Brief.

Three copies of this document are also being forwarded to the Office of General Counsel.

Also enclosed is an extra copy of the cover page. Would you please stamp the cover pages to show receipt by your office, and return it to us in the enclosed stamped, self-addressed envelope.

Thank you for your assistance. Please contact me directly if you have any questions or problems with the enclosed filing.

Very truly yours,



Jonathan I. Feil

Enclosures
cc: FEC General Counsel
(attn: Craig Reffner)
Respondents

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**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

ATTORNEYS AT LAW

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November 20, 1993

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JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

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

Re: MUR 3164

Dear Secretary:

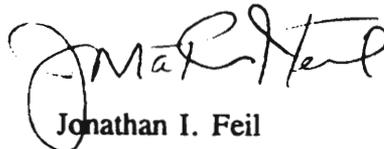
Enclosed for filing in the above-numbered matter are an original and ten copies of Respondents' Motion to Dismiss. Three copies of this document are also being forwarded to the Office of General Counsel.

Earlier today, we sent to you, by Federal Express, an original and ten copies of Respondents' Brief. We have since noticed some typographical errors in the brief, which we wish to correct. Enclosed for filing are an original and ten copies of the corrected brief. Would you please accept those for filing, and substitute the corrected copies for any working copies distributed to the Commission or its staff.

A copy of the cover page of both of these documents accompanies this letter. Would you please stamp the cover pages to show receipt by your office, and return it to us in the enclosed stamped, self-addressed envelope.

Thank you for your assistance. Please contact me directly if you have any questions or problems with the enclosed filings.

Very truly yours,



Jonathan I. Feil

Enclosures

cc: FEC General Counsel
(attn: Craig Reffner)

Respondents

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:)
Sean D. McDevitt et al.) MUR 3164

RESPONDENTS' BRIEF

Respondents Sean McDevitt et al. submit this brief in reply to the General Counsel's brief dated October 13, 1993.

For the reasons stated herein, Respondents request that the Commission decline the General Counsel's recommendation to find probable cause, and that the Commission terminate this proceeding and close the matter under review.

A. Summary.

Respondents in this matter are Sean McDevitt, the unsuccessful 1990 Republican nominee for Idaho's Second Congressional District, and his parents, Dr. Thomas and Mrs. Bruna McDevitt. Although there are three other organizational respondents in this matter,¹ the allegations basically boil down to good faith errors made by caring parents who were inexperienced in managing a campaign, and by their son's reliance on his parents as campaign managers.²

They are (a) the principal campaign committee, McDevitt for Congress, for which the candidate's mother served as Treasurer, (b) a "draft" committee, Draft McDevitt for Congress Committee, formed by the candidate's father, and (c) Little Red Hen, Inc., a family-owned small business.

No evidence has been adduced (and the General Counsel is not contending) that the violations at issue in this matter were knowing or wilful.

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As the factual record and this brief demonstrate, the Federal Election Campaign Act, and the Commission's regulations, opinions and procedures, provide certain "safe harbors" for candidates, contributors, and committees who have inadvertently misunderstood or misapplied the campaign finance and disclosure requirements. The Respondents qualify for these safe harbors.

Respondents also request that the Commission take account of their good faith efforts to comply with the legal requirements and to correct any errors they made. When full account is given to the safe harbors and good faith corrective efforts, we submit that any remaining violations are *de minimus*, and do not merit further enforcement proceedings by the Commission.

B. Motion to Dismiss.

In addition to their case on the merits, Respondents request that this matter be dismissed on two additional grounds: first, because the Commission lacks authority, due to its unconstitutional composition as recently decided by the U.S. Court of Appeals in Federal Election Commission v. NRA Political Victory Fund; and, second, because the dual role of the General Counsel as *ex parte* advisor to the Commission, and as advocate before the Commission in "probable cause" determinations, unduly handicaps the ability of respondents to obtain an objective hearing before the Commission. For these reasons, Respondents are concurrently filing a motion to dismiss these proceedings on such grounds.

1. Unconstitutional composition of the Commission. The Court of Appeals for the D.C. Circuit has recently ruled, in Federal Election Commission v. NRA Political Victory Fund, No.

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91-5360, 1993 U.S. App. LEXIS 27298 (D.C. Cir., Oct. 25, 1993), that the Commission's structure violates the Constitution's separation of powers.³ The court held that its decision not only has prospective impact, but also establishes a defense to any enforcement action.

In view of this ruling, the Commission lacks authority to proceed further with this compliance proceeding. Not only would any resulting "probable cause" determination be invalid, but the Commission's existing "reason to believe" finding in this matter is defective, because the Commission lacked authority when it made that determination.⁴

Based on this constitutional defect, this proceeding should be dismissed and the matter closed. As the Commission's regulations set forth, when the Commission declines to make a "reason to believe" finding, the proper course is for the Commission to terminate its proceeding and so notify the respondent. See 11 C.F.R. §111.9(b).

³ The court held that "Congress exceeded its legislative authority when it placed its agents, the Secretary of the Senate and the Clerk of the House of Representatives, on the independent Commission as non-voting ex officio members."

⁴ The Federal Election Campaign Act and the Commission's regulations do not permit the Commission to proceed to a vote on probable cause unless it has made a valid "reasons to believe" finding. See 2 U.S.C. §437g(a), 11 C.F.R. §111.9. Any failure of the Commission to follow these procedures is jurisdictional, and removes the statutory basis for an enforcement action. See Federal Election Commission v. N.R.A. of America, 553 F.Supp. 1331 (D.D.C. 1983). The constitutional defect in this case cannot be cured by removing the Clerk of the House and Secretary of the Senate from the deliberations over whether to find probable cause.

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2. Dual role of General Counsel. This proceeding suffers an additional procedural defect, resulting from the dual role that the General Counsel plays as legal advisor to the Commission and as advocate in this enforcement proceeding. Based on the conduct of this proceeding so far, Respondents observe that there exists an inadequate distinction and separation, in function, personnel, office arrangements, and working contacts and communications, between the roles performed by the Commission's General Counsel and attorneys in that office as advisor to the Commission and as advocate in enforcement proceedings. We submit that this commingling of roles creates an appearance of bias and arbitrary decision making, and taints the outcome of any subsequent proceeding. See Baltimore Contractors, Inc. v. U.S., 643 F.2d 729 (Ct.Cl. 1981).

Respondents are not by any means imputing any bad faith or improper conduct to the General Counsel's office or the Commission. But even where there is no bias, the appearance of bias may invalidate the resulting adjudication. See Commonwealth Coatings v. Continental Casualty Co., 393 U.S. 145 (1968). The problem arises instead from the institutional arrangements at the Commission, which essentially combine in the same personnel the roles of prosecutor and legal advisor to the adjudicator. The situation is intensified in this instance, because the legal personnel who present the case in favor of a finding of probable cause are the same lawyers who have been the Commission's *ex parte* advisors on whether to accept Respondents' pre-probable cause conciliation proposal. (We assume these same legal

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personnel will also be the Commission's counsel in any post-probable cause conciliation process under 2 U.S.C. §437g(a)(4).)

These conflicting roles put Respondents in an inherent disadvantage before the Commission. Respondents face opposing attorneys who have been privy to the Commission's thinking on possible settlement, and therefore inevitably gain insights in how to pitch the prosecution case accordingly. See Baltimore Contractors, supra.

The prejudice thus created is not cured by the fact that the Commission must present its enforcement cases for *de novo* review by the U.S. District Court. As the Ninth Circuit has pointed out, the federal courts are required to defer to the Commission's interpretation of its enabling statute and regulations in a enforcement cases. See Federal Election Commission v. Ted Haley Congressional Committee, 852 F.2d 1111 (9th Cir. 1988) (deferring to Commission's decision that post-election loan guarantees were made for purpose of influencing federal election).

C. Statement of the Case

This matter was initiated during the campaign by a complaint filed by supporters of the better financed incumbent who trounced Sean McDevitt in the 1990 election. The Commission's reason-to-believe findings essentially charge the Respondents with the following conduct: (1) failing to maintain sufficient campaign depository funds before refunding an excessive contribution from the candidate's parents; (2) inadequate consideration in part of the refund of that contribution; (3) inadequately remunerating a

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family-owned business for office space and a vehicle used in the campaign; (4) tardily reporting purchases of campaign materials by the candidate's father which were reimbursed, and disclosed to the Commission, at the close of the campaign; and (5) tardily registering as a political committee the father's independent effort the previous year to "draft" his son as a candidate.

1. Respondents complied to the extent possible with the "safe harbor" of §103.4(b) and instructions from Commission staff. What the General Counsel's brief terms excessive contributions is, at bottom, a question of whether the Respondents satisfied the "safe harbor" provisions of §103.3 of the Commissions regulations. The General Counsel maintains that the campaign committee improperly utilized the contributions instead of maintaining them in its campaign depository.

Respondents do not dispute that the candidate's parents, Dr. Thomas and Mrs. Bruna McDevitt, loaned their son \$30,000 in the erroneous belief that their son could then properly contribute the funds to his own campaign. There is also no dispute that the McDevitt's then promptly notified the Commission, asked the Commission's staff how to correct the error, and followed the direction and advice given by those staff members.

These facts have not been disputed by the General Counsel: The loan in question was made on October 11, 1990. The campaign committee's volunteer accountant alerted the McDevitt's to the problem on October 17. The Committee's Twelfth Day Report preceding the general election, dated October 17, 1990 and covering the period October 1 through October 17, 1990, fully

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disclosed the loan. When mailed to the Commission, Dr. McDevitt included an explicit statement about the loan in question, acknowledging directly (if naively) that he had learned it might "be against the rules," and that "[t]he money is being repaid."

Dr. McDevitt's testimony under oath and his contemporaneous handwritten notes have not been challenged by the General Counsel. On October 22 and 23, 1990, Dr. McDevitt telephoned the Commission's toll-free information line to inquire whether the loan might be an excess contribution, and if so, how to correct it. He spoke with several Commission employees, with the titles of "specialist" and "analyst", and was informed only that the loan must be repaid within sixty days of its receipt. These conversations have not been challenged; presumably the General Counsel would have obtained evidence, had Dr. McDevitt received further directions.

Respondents followed these directions, and a refund and reattribution was made within 60 days. The General Counsel now challenges the sufficiency of this procedure because funds were drawn to pay campaign expenses before the refund was made. But the evidence shows that it was literally impossible for the campaign committee to maintain a fund balance sufficient to make the refund. The campaign committee's Twelfth Day report shows that the disbursement of funds occurred **before** the problem with the loan was discovered by the McDevitt's.

Essentially, what the General Counsel argues is that Respondents' efforts to comply were hopeless from the start, because the campaign's cash-on-hand on October 17 -- when the

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impropriety of the loan was first identified -- was insufficient. Respondents submit that this would be an absurd reading of the regulation. Respondents complied as best they could with §103.4(b) and the instructions they received from Commission staff.

2. The loan was fully refunded. The General Counsel's brief acknowledges that, as partial repayment of the disputed loan, Sean McDevitt conveyed title to an automobile to his father. The General Counsel argues, however, that this was an inadequate refund because Sean and his wife later used the automobile following their relocation to Everett, Washington.

This evidence is insufficient to challenge the propriety of the refund at the time it was made. The federal campaign finance laws do not regulate the normal gift giving within a family. At the time Sean McDevitt moved to Washington State, the election was over and Dr. McDevitt was free to make whatever gifts to his son he wanted. There is no evidence that **at the time**, the transfer of the car was not legitimate. Whether Dr. McDevitt later wanted to keep the car, or give it to his son, was an entirely private choice.

3. The payments to Little Red Hen, Inc. for office and truck rental were usual and normal charges. The General Counsel's brief argues that the campaign received unduly favorable terms from the McDevitt's family-owned business for renting office space and the use of a truck, principally as to the timing and terms of payment. There is substantial evidence of record, however, that the business periodically afforded

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similarly flexible terms to other acquaintances, particularly where the rental property was vacant and commercially unrentable. The Commission's regulations do not require businesses to supply campaign committees on only the most expensive terms. Discounts are acceptable if "routinely offered in the vendor's ordinary course of business to nonpolitical clients." Commission Advisory Opinion, AO 1978-45. The evidence does not show that the McDevitt's would not have utilized similar informal terms (as they have in the past) for the short-term rental of vacant office space and an otherwise unused truck.⁵

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4. Dr. McDevitt's "advances" did not exceed contribution limits, and any tardy reporting was inadvertent. Respondents do not deny that Dr. McDevitt made purchases on behalf of the campaign which were not reported until the campaign committee's Thirtieth Day report, when the amount reimbursed to Dr. McDevitt at the close of the campaign was listed as an expense. At the time they were made, however, the above payments of costs did not exceed the contribution limits of Dr. McDevitt and his wife, who had not previously contributed to the campaign. Although concededly in error in reporting, it should be treated as a *de minimus* inaccuracy, which does not itself merit an enforcement proceeding.

5. Dr. McDevitt's activities to "draft" his son as a candidate did not establish a political committee. 2 U.S.C.

⁵ The General Counsel's evidence of usual and normal charge will be generally more valid in a major metropolitan area, such as Washington, D.C., than in a rural district such as Idaho's Second Congressional District.

§ 431(4)(A) of the Federal Election Campaign Act defines a political committee as a "committee, club, association or other group of persons" which receives contributions aggregating in excess of \$1,000 during a calendar year. In January 1989, Dr. Thomas McDevitt founded what he termed the "Draft McDevitt for Congress Committee." The General Counsel contends that the Draft Committee should have registered as a political committee within ten days of raising or expending \$1,000, rather than in January 1990.

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The evidence shows, however, that Dr. McDevitt filed a statement of organization and disclosure report with the Commission only in a good faith, if somewhat ingenuous, abundance of caution. In a cover letter accompanying his filing, Dr. McDevitt stated that although he had "delayed sending in the report," he did so for the "sake of completeness."

In fact, the evidence presented in Dr. McDevitt's deposition and production of documents shows that the so-called "committee" was fundamentally a one-man show. Dr. McDevitt's late filing, and his gifts to Sean's brothers so that they could make contributions to the "Committee" were motivated by the confusing situation regarding "draft committees" -- a situation that has not been entirely clarified by the Florida for Kennedy Campaign and Machinists Non-Partisan Political League cases.⁶ Once Sean McDevitt decided to run for Congress, Dr. McDevitt faced a

⁶ Federal Election Commission v. Florida for Kennedy Campaign, 681 F.2d 1281 (11th Cir. 1982) and Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C. Cir. 1981).

"damned if you do, damned if you don't" conundrum. But if the facts are viewed correctly, 2 U.S.C. §§ 433 and 434 do not apply to Dr. McDevitt because no club, committee, or association was ever actually formed until the authorized campaign committee was established later in 1990.

D. **Equitable Considerations.** As a final note, Respondents believe that equitable considerations should dissuade the Commission from pursuing this matter further, even if it is not convinced by the above legal argument. No questions of knowing or willful violations are raised in this case. At worst, this simply presents a situation of two caring parents who were eager to help their son enter politics, but were inexperienced in managing a campaign, and a son who was busy campaigning and relied, perhaps improvidently, on his parents as campaign managers.

E. **Conclusion.** For the reasons stated herein, Respondents request that the Commission decline the General Counsel's recommendation to find probable cause, and that the Commission terminate this proceeding and close the matter under review.

Respectfully submitted,

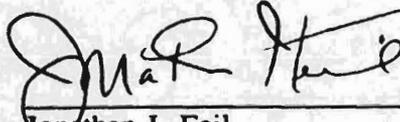


Jonathan I. Feil
SIMBURG, KETTER, SHEPPARD & PURDY
Attorneys for Respondents

Date: November 20, 1993

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Respectfully submitted,



Jonathan I. Feil
SIMBURG, KETTER, SHEPPARD & PURDY
Attorneys for Respondents

Date: November 20, 1993

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

JANUARY 12, 1994

Jonathan I. Feil, Esq.
Simburg, Ketter, Sheppard
& Purdy, P.S.
2525 First Interstate Center
999 Third Avenue
Seattle, Washington 98104-4089

RE: MUR 3164
McDevitt for Congress
Bruna M. McDevitt, Treasurer

Dear Mr. Feil:

On July 16, 1993, your clients, referenced above, requested that the Federal Election Commission permit the Committee to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your clients, this request has been denied. Therefore, you are reminded that your clients must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig D. Refiner", written over a horizontal line.

Craig D. Refiner
Attorney

cc: Reports Analysis Division

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RECEIVED
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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
Sean McDevitt, et al.)

MUR 3164

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

This matter concerns Sean McDevitt's campaign in Idaho's 1990 Second Congressional District election. Based upon a complaint as well as the responses submitted, it appeared that Sean McDevitt's parents, Thomas and Bruna McDevitt, made a \$30,000 loan to his campaign. It also appeared that the Little Red Hen, Inc., a corporation owned by Sean McDevitt's family, made various in-kind contributions to his campaign, including office space and a company-owned vehicle. Lastly, it appeared that Sean McDevitt accepted a \$30,000 loan from the First Interstate Bank of Idaho, N.A. The available information, however, showed that this loan may not have been made in the ordinary course of business.

Based upon the information then available, the Commission found reason to believe that Sean McDevitt violated 2 U.S.C. § 441b(a) with regard to the bank loan; that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a); that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President (collectively referred to as the "Corporation"), violated 2 U.S.C. § 441b(a); that McDevitt for Congress and Bruna M. McDevitt, as treasurer (collectively referred to as the "Committee"), violated 2 U.S.C. §§ 441a(f) and 441b(a); and that the First Interstate Bank of Idaho N.A. (the "Bank") violated 2 U.S.C. § 441b(a).

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Following the investigation in this matter, the Commission made additional reason-to-believe findings. Specifically, since the investigation revealed that Sean McDevitt was personally involved in the receipt of a \$30,000 loan from his parents, the Commission found reason to believe that he violated 2 U.S.C. § 441a(f). In addition, it was discovered that Sean McDevitt's parents advanced funds on behalf of the campaign on several occasions, but that the Committee failed to disclose these advances as in-kind contributions. Thus, the Commission found reason to believe that the Committee violated 2 U.S.C. § 434(b). The investigation also revealed that in 1989, Sean McDevitt's family organized the Draft McDevitt for Congress Committee, but failed to register and report with the Commission until approximately one year later. Accordingly, the Commission found reason to believe that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer (collectively referred to as the "Draft Committee"), violated 2 U.S.C. §§ 433 and 434.

After unsuccessfully attempting to resolve this matter through pre-probable cause conciliation, this Office notified Respondents that the General Counsel was prepared to recommend that the Commission find probable cause to believe that certain violations occurred. Respondents were also notified that the General Counsel was prepared to recommend that the Commission find no probable cause to believe that certain other violations occurred. Responses to the General Counsel's Briefs have been received. Attachment A.

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II. RECOMMENDATIONS IN LIGHT OF PEC V. NRA

Consistent with the Commission's November 9, 1993 decisions concerning compliance with the NRA opinion, this Office recommends that the Commission ratify its October 29, 1991 and May 4, 1993 determinations to find reason to believe that the Respondents violated various provisions of the Federal Election Campaign Act of 1971, as amended. Attached are copies of the certifications reflecting these actions. Attachment B.

III. ANALYSIS

A. Procedural Challenges

As an initial matter, counsel challenges the Commission's authority to proceed in this matter on two grounds. First, counsel argues that based upon the ruling in Federal Election Comm'n. v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 62 U.S.L.W. 3842 (U.S. June 20, 1994) (No. 93-1151), the "Commission lacks authority to proceed" because the Commission's existing reason-to-believe findings are defective having been made in the presence of the designees for the Clerk of the House and Secretary of the Senate. Attachment A at 3. Counsel maintains that any subsequent probable cause to believe findings would be invalid and that given this alleged constitutional defect, "this proceeding should be dismissed and the matter closed." Id. at 3.

The Commission, however, has since reconstituted itself as a constitutionally structured agency and, as noted above, this Office is recommending that the Commission, in its reconstituted structure, ratify its earlier reason-to-believe findings and find

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probable cause to believe that various violations occurred in this matter. Moreover, in rejecting a similar challenge, the United States District Court for the District of Columbia, after noting the Commission's reconstituted structure, explained that requiring the Commission "to recite a reason-to-believe litany before taking a probable cause vote would be wasteful of its time and disruptive of Commission business." National Republican Senatorial Committee v. Federal Election Comm'n., No. 94-332 at 5 (TPJ) (D.D.C. May 11, 1994), appeal docketed, No. 94-5148 (D.C. Cir. May 31, 1994).

Second, counsel argues that this matter should be dismissed because of "the dual role the General Counsel plays as legal advisor to the Commission and as advocate in this enforcement proceeding." Attachment A at 4. According to counsel, this "institutional arrangement . . . which essentially combine[s] in the same personnel the roles of prosecutor and legal advisor to the adjudicator" has resulted in an "appearance of bias and arbitrary decision making [which] taints the outcome of any subsequent proceeding." Id. citing Baltimore Contractors, Inc. v. U.S., 643 U.S. 729 (Ct.Cl. 1981).¹ Counsel maintains that his clients are at an inherent disadvantage because they "face opposing attorneys who have been privy to the Commission's thinking on possible settlement, and therefore inevitably gain

1. Although counsel states that he is "not by any means imputing any bad faith or improper conduct to the General Counsel's office," he notes that "even when there is no bias, the appearance of bias may invalidate the resulting adjudication." Attachment A at 4 citing Commonwealth Coatings v. Continental Casualty Co., 393 U.S. 145 (1968).

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insights in how to pitch the prosecution case accordingly." Attachment A at 5.

Counsel's sole authority, the Baltimore Contractors case, however, is neither factually nor legally on point. Indeed, that case involved a contract dispute that arose during the construction of the House Office Building. There, the United States Court of Claims found that the relationship between the Architect, the official empowered to entertain the dispute, and the Board of Contract Appeals, the tribunal that reviewed the Architect's decision, "departed from accepted standards of fair procedure" because, inter alia, the individuals who advised the Architect about pending disputes were the same individuals who served on the Board. Baltimore Contractors at 733.

By contrast, here the Commission is not even acting in an adjudicatory role. In the enforcement context, its powers are limited to conducting investigations, conciliating cases and seeking court imposed sanctions, if necessary. Moreover, even if the agency did adjudicate, the Supreme Court has examined combined functions in this context and consistently rejected due process claims such as those asserted here. In Withrow v. Larkin, 421 U.S. 35 (1975), for example, the Court reviewed the combination of investigative and adjudicative functions held by a state medical licensing Board and rejected the argument that such a combination created an unconstitutional risk of bias, noting that such an argument "must overcome a presumption of honesty and integrity in those serving as adjudicators." Withrow v. Larkin at 47. See Hortonville Joint School District No. 1 v. Hortonville Education

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Ass'n., 426 U.S. 482 (1976) (school board's familiarity with case gained from role as negotiator of contract for teachers would not, absent a showing of actual bias, disqualify it as the decision maker to decide whether teachers should be fired for striking in violation of state law); Richardson v. Perales, 402 U.S. 389, 410 (1971) (rejected due process challenge against Social Security examiner responsible for developing the facts and making a decision as to disability claims); and Blinder, Robinson & Co., Inc. v. S.E.C., 837 F.2d 1099, 1105 (D.C. Cir. 1988) ("a due process challenge directed broadly to combinations of purposes or functions in the modern administrative state 'assumes to much' (quoting Withrow v. Larkin, 421 U.S. 35 at 49 (1975))). Here, not only do the Commission's enforcement proceedings occur in a non-adjudicatory setting, but counsel has acknowledged that he is "not by any means imputing any bad faith or improper conduct to the General Counsel's office." Attachment A at 4. In short, under the well established standard set by the Court, counsel's challenge rings hollow.

B. Substantive Violations

1. Contributions from Sean McDevitt's Parents

As set forth in the General Counsel's Brief, incorporated herein by reference, the evidence shows that Sean McDevitt's parents contributed a total of \$32,781.26 to their son's campaign: a \$30,000 loan made on October 11, 1992, which Sean McDevitt personally accepted, and \$2,781.26 in advances which were made at various times during the campaign and which the Committee failed to disclose as in-kind contributions. Counsel does not dispute

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that these contributions were made, that Sean McDevitt was personally involved in the receipt of the \$30,000 loan or that the Committee failed to disclose the \$2,781.26 in advances as in-kind contributions. Rather, counsel states that these violations "boil down to good faith errors made by caring parents who were inexperienced in managing a campaign." Attachment A at 1. For example, counsel maintains that Thomas and Bruna McDevitt "loaned their son \$30,000 in the erroneous belief that their son could then properly contribute the funds to his own campaign." Id. at 6. He further states that although his clients used the proceeds before it was refunded, they were unaware at the time that a loan would be subject to the Act's limitations. Id. at 6. With regard to the advances, counsel asserts that the Committee's reporting error "should be treated as a de minimus inaccuracy, which [would] not itself merit an enforcement action." Id. at 9 (emphasis in original).²

In addition to pointing to these mitigating factors, however, counsel maintains that the \$30,000 loan was fully refunded. As noted in the General Counsel's Brief, \$3,400 of the loan refund reflected the sale of an automobile from Sean McDevitt to his father, yet, as the investigation revealed, Sean McDevitt never gave up control over this vehicle. In fact, during their

2. Counsel further notes that these advances were not excessive at the time they were made. Attachment A at 9. The evidence shows that Thomas and Bruna McDevitt made these advances on March 24, 1990 (\$1,246.25) and June 1, 1990 (\$1,174.32), well before they loaned their son \$30,000. The fact that these advances were within the Act's limits at the time made, however, does not overshadow the fact that Thomas and Bruna McDevitt contributed a total of \$32,781.26 to their son's campaign.

depositions, Sean and Thomas McDevitt testified that the automobile in question is located in Everett, Washington, where Sean McDevitt resides even though Thomas McDevitt, who owns the vehicle, resides in Pocatello, Idaho. According to counsel, Sean McDevitt's continued use of the automobile after he conveyed it to his father is "insufficient [evidence] to challenge the propriety of the refund at the time it was made." Id. at 8. He further argues that Sean McDevitt's father was "free to make whatever gifts to his son he wanted" and that the "federal campaign finance laws do not regulate the normal gift giving within a family." Id.

The purpose of refunding an excessive contribution, however, is to ensure that a contributor's contribution is within the Act's limits and to disgorge that portion of a contribution which is excessive from the recipient committee. Here, Sean McDevitt's continued use of the vehicle that he conveyed to his father as a portion of the refund at issue is the exact type of evidence which shows that the excessive contribution has not been adequately refunded. Furthermore, as noted in the General Counsel's Brief, the vehicle in question was overvalued by Respondents; thus, even if the sale of the vehicle was not otherwise at issue, a portion of the \$30,000 loan would remain unrefunded. See General Counsel's Brief at 6 note 4. Lastly, and contrary to counsel's assertion, the Act regulates gift giving between candidates and their families, see 11 C.F.R. § 110.10(b) (definition of personal funds), and the evidence here shows that Sean McDevitt did not customarily receive gifts such as an automobile from his parents prior to his candidacy.

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Based upon the above discussion, this Office recommends that the Commission find probable cause to believe that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a)(1)(A); that Sean McDevitt violated 2 U.S.C. § 441a(f); and that McDevitt for Congress and Bruna McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b).

2. Prohibited Contributions

a. Little Red Hen, Inc.

As detailed in the General Counsel's Brief, the investigation also confirmed that the Corporation provided Sean McDevitt with office space as well as a company-owned vehicle, both at less than the usual and normal charge. In response, counsel maintains that the Corporation "periodically afforded similarly flexible terms to other acquaintances, particularly where the rental property was vacant and commercially unrentable." Attachment A at 8-9 citing AO 78-45 ("[d]iscounts are acceptable if 'routinely offered in the vendor's ordinary course of business to nonpolitical clients'").³ Counsel, however, has submitted no evidence showing any instances when Respondents provided similar flexible lease arrangements. Moreover, the evidence gathered during the investigation clearly shows no instance when the

3. Counsel also avers that his clients might utilize similar informal terms in the future. Attachment A at 9. This, however, is of little value in determining whether they have in fact offered such favorable arrangements in the past. Moreover, the evidence shows that the Corporation did not provide favorable lease arrangements to the tenants who subsequently occupied the office space in question. During his deposition, Thomas McDevitt testified that these tenants received, what he considered to be, a favorable monthly rent, but were nonetheless required to pay rent on a monthly basis as well as the cost of utilities.

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Corporation provided the type of favorable lease arrangements that were provided to Sean McDevitt's campaign. In fact, Thomas McDevitt, the Corporation's President, specifically testified that tenants have regularly been required to pay a security deposit, rent on a monthly basis and the cost of utilities. Sean McDevitt, however, did not pay a security deposit, rent on a monthly basis or the cost of utilities. Furthermore, the Committee's one-time payment of \$2,900 after the general election did not adequately account for the campaign's eight month tenancy at \$400 per month.

Likewise, even though the the Corporation permitted its employees, including Sean McDevitt, to use its vehicles for personal reasons, the Committee's one-time payment of \$2,210.41 for Sean McDevitt's campaign-related use of this vehicle would not constitute the "usual and normal" charge. Indeed, under the Internal Revenue Code, the value to Sean McDevitt's for using this vehicle totaled \$4,531.32, which is \$2,320.91 more than the Committee paid.⁴ In addition, the Committee's payment was made at the end of the campaign rather than within a commercially reasonable time.

In light of the above discussion, this Office recommends that the Commission find probable cause to believe that McDevitt

4. Counsel notes that the "General Counsel's evidence of usual and normal charge will be generally more valid in a major metropolitan area, such as Washington, D.C., than in a rural district such as Idaho's Second Congressional District." Attachment A at 9, note 5. Our valuation of the vehicle in question, \$4,531.32, was based upon the Internal Revenue Code's "vehicle cents-per-mile rule." Although this rule allows for different valuations depending upon the age of the vehicle and whether the employee using the vehicle pays the cost of fuel, it is applied to metropolitan and rural areas alike.

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for Congress and Bruna M. McDevitt, as treasurer, and the Little Red Hen, Inc., and Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, each violated 2 U.S.C. § 441b(a).

b. First Interstate Bank of Idaho, N.A.

With regard to the \$30,000 bank loan that Sean McDevitt received, the investigation shows that this was not a contribution, but rather a loan that the Bank made in the ordinary course of business and on basis that would assure repayment. In fact, the evidence shows that Sean McDevitt applied for a second loan from the Bank in connection with his campaign and that the Bank declined his request because he had insufficient income to service the debt. The Bank did not respond to the General Counsel's Brief and counsel for Sean McDevitt states that he concurs with the General Counsel's recommendation that the Commission find no probable cause to believe that a violation occurred with respect to this bank loan.

Accordingly, this Office recommends that the Commission find no probable cause to believe that either Sean McDevitt or the First Interstate Bank of Idaho, N.A., violated 2 U.S.C. § 441b(a), in connection with the bank loan.

3. Draft Committee

The investigation in this matter also concerned the activities of the Draft McDevitt for Congress Committee, which failed to file a statement of organization as well as disclosure reports on a timely basis. 2 U.S.C. §§ 433 and 434. The evidence here shows that Sean McDevitt's family organized the Draft Committee in January 1989, but it was not until approximately one

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year later, in January 1990, that they filed a statement of organization and single disclosure report showing the receipt of over \$1,000 in contributions.

In response, counsel notes that Thomas McDevitt, the treasurer of the Draft Committee, filed the statement of organization in good faith. He also argues that Section 433 and 434 do not apply in this instance because the Draft Committee was "fundamentally a one-man show" and as such "no club, committee, or association was ever actually formed until [Sean McDevitt's] authorized campaign committee was established later in 1990." Attachment A at 11. Counsel also states that the situation regarding draft organizations is "confusing." Id. at 10 citing Federal Election Comm'n. v. Florida for Kennedy Committee, 681 F.2d 1281 (11th Cir. 1982) and Federal Election Comm'n. v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C.Cir.), cert. denied, 454 U.S. 897 (1981).

The evidence in this matter, however, shows that Thomas McDevitt was not alone in organizing the Draft Committee. In fact, during his deposition he testified that he approached his wife and other children, asking for their help in drafting Sean McDevitt for the 1990 Congressional election. Thus, the Draft Committee was more than a "one-man show," clearly falling within the Act's definition of a political committee as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year." See 2 U.S.C. § 431(4). Furthermore, at least one of the cases cited by counsel makes clear that draft organization's are

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subject to the Act's registration and reporting requirements. Indeed, in Machinists Non-Partisan League, the United States Court of Appeals for the Eleventh Circuit stated that the 1979 amendments to the Act made clear Congress' intent that "'draft' groups file reports as political committees." 655 F.2d at 395.

Accordingly, this Office recommends that the Commission find probable cause to believe that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, each violated 2 U.S.C. §§ 433 and 434.

C. Conclusion

With the exception of the bank loan, Respondents have submitted no evidence that would vitiate the violations at issue in this matter. Accordingly, and based upon the above discussion, this Office recommends that the Commission reject Respondents' request to find no probable cause to believe that any violations occurred.

IV. DISCUSSION OF CONCILIATION

Attached for the Commission's approval is a proposed conciliation agreement in settlement of this matter.

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This Office recommends that the Commission approve the attached agreement.

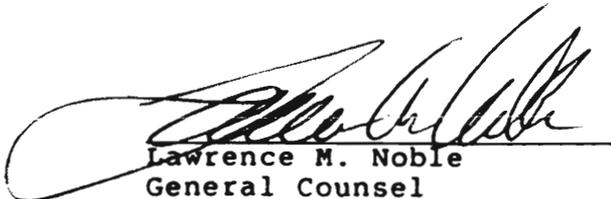
V. RECOMMENDATIONS

1. Reject Respondents request to find no probable cause to believe that any violations occurred and "terminate this proceeding."
2. Ratify the earlier determinations to find reason to believe that Sean McDevitt violated 2 U.S.C. § 441b(a) with regard to the bank loan and 2 U.S.C. § 441a(f) with regard to the loan from his parents; that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a); that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, violated 2 U.S.C. § 441b(a); that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f), 441b(a) and 434(b); that the First Interstate Bank of Idaho, N.A., violated 2 U.S.C. § 441b(a); and that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, violated 2 U.S.C. §§ 433 and 434.
3. Find probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441a(f).
4. Find probable cause to believe that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, each violated 2 U.S.C. §§ 433 and 434.
5. Find probable cause to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, each violated 2 U.S.C. §§ 434(b), 441a(f) and 441b(a).
6. Find probable cause to believe that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, each violated 2 U.S.C. § 441b(a).
7. Find probable cause to believe that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a)(1)(A).
8. Find no probable cause to believe that the First Interstate Bank of Idaho, N.A. violated 2 U.S.C. § 441b(a).

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9. Find no probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441b(a) with respect to the receipt of a loan from the First Interstate Bank of Idaho, N.A.
10. Close the file with respect to the First Interstate Bank of Idaho, N.A.
11. Approve the attached conciliation agreement and the appropriate letters.

8/5/99
Date


Lawrence M. Noble
General Counsel

Attachments:

- A. Response to Brief
- B. Certifications
- C. Proposed Conciliation Agreement

Staff assigned: Craig D. Reffner

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Sean McDevitt, et al.

)
)
) MUR 3164

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 11, 1994, the Commission decided by a vote of 5-1 to take the following actions in MUR 3164:

1. Reject Respondents request to find no probable cause to believe that any violations occurred and "terminate this proceeding."
2. Ratify the earlier determinations to find reason to believe that Sean McDevitt violated 2 U.S.C. § 441b(a) with regard to the bank loan and 2 U.S.C. § 441a(f) with regard to the loan from his parents; that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a); that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, violated 2 U.S.C. § 441b(a); that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f), 441b(a) and 434(b); that the First Interstate Bank of Idaho, N.A., violated 2 U.S.C. § 441b(a); and that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, violated 2 U.S.C. §§ 433 and 434.

(Continued)

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3. Find probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441a(f).
4. Find probable cause to believe that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, each violated 2 U.S.C. §§ 433 and 434.
5. Find probable cause to believe that McDevitt for Congress and Bruna M. McDevitt, as treasurer, each violated 2 U.S.C. §§ 434(b), 441a(f) and 441b(a).
6. Find probable cause to believe that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, each violated 2 U.S.C. § 441b(a).
7. Find probable cause to believe that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a)(1)(A).
8. Find no probable cause to believe that the First Interstate Bank of Idaho, N.A. violated 2 U.S.C. § 441b(a).

(Continued)

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9. Find no probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441b(a) with respect to the receipt of a loan from the First Interstate Bank of Idaho, N.A.
10. Close the file with respect to the First Interstate Bank of Idaho, N.A.
11. Approve the conciliation agreement and the appropriate letters, as recommended in the General Counsel's Report dated August 5, 1994.

Commissioners Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner Aikens dissented.

Attest:

8-12-94

Date

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

Received in the Secretariat: Mon., Aug. 08, 1994 10:22 a.m.
Circulated to the Commission: Mon., Aug. 08, 1994 4:00 p.m.
Deadline for vote: Thurs., Aug. 11, 1994 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 15, 1994

Robert E. Onnen, Esq.
Assistant General Counsel
First Interstate Bank of Idaho, N.A.
P. O. Box 57
Boise, Idaho 83757-0575

RE: MUR 3164
First Interstate Bank of Idaho, N.A.

Dear Mr. Onnen:

On October 29, 1991, the Federal Election Commission (the "Commission") found that there is reason to believe the First Interstate Bank of Idaho, N.A., violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act").

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 62 U.S.L.W. 3842 (U.S. June 20, 1994) (No. 93-1151). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While awaiting the Supreme Court's consideration of the Commission's appeal, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on August 11, 1994, the Commission revoted to find reason to believe that the First Interstate Bank of Idaho, N.A., violated 2 U.S.C. § 441b(a), and to approve the Factual and Legal Analysis previously mailed to you. Please refer to that document for the basis of the Commission's decision. If you need an additional copy, one will be provided upon request.

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Robert E. Onnen, Esq.
Page 2

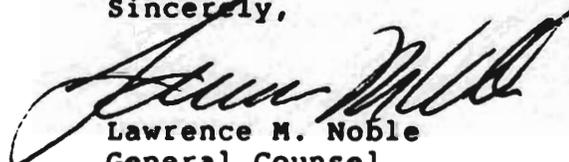
In addition, on August 11, 1994, the Commission found that there is no probable cause to believe the First Interstate Bank of Idaho, N.A., violated 2 U.S.C. § 441b(a). Accordingly, the file in this matter has been closed as it pertains to the First Interstate Bank of Idaho, N.A.

The file will be made part of the public record within 30 days after it 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. Such materials should be sent 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 has been 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 questions, please contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lawrence M. Noble
General Counsel

15043620572



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUGUST 15, 1994

Jonathan I. Feil, Esq.
Simburg, Ketter, Sheppard & Purdy, P.S.
2525 First Interstate Center
999 Third Avenue
Seattle, Washington 98104-4089

RE: MUR 3164

Dear Mr. Feil:

On October 29, 1991 and May 4, 1993, the Federal Election Commission (the "Commission") found that there is reason to believe your clients violated various provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). Specifically, the Commission found reason to believe that Sean McDevitt violated 2 U.S.C. § 441b(a) with regard to a loan from the First Interstate Bank of Idaho, N.A., and 2 U.S.C. § 441a(f) with regard to the the loan from his parents; that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a); that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, each violated 2 U.S.C. § 441b(a); that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f), 441b(a) and 434(b); and that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, violated 2 U.S.C. §§ 433 and 434.

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 62 U.S.L.W. 3842 (U.S. June 20, 1994) (No. 93-1151). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While awaiting the Supreme Court's consideration of the Commission's appeal, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on August 11, 1994, the Commission revoted to find reason to believe that your clients violated various provisions of the Act, described above, and to approve the Factual and Legal Analyses previously mailed to your clients'

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Jonathan Feil, Esq.
Page 2

former counsel. Please refer to those documents for the bases of the Commission's decisions. If you need any additional copies, they will be provided upon request.

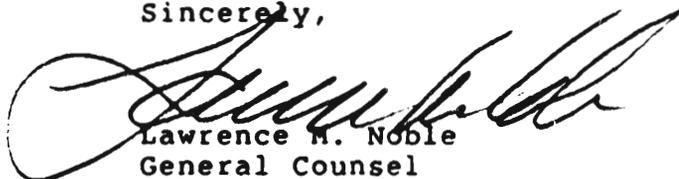
In addition, on August 11, 1994, the Commission rejected your clients' request to take no further action in this matter and instead found that there is probable cause to believe your clients violated various provisions of the Act. Specifically, the Commission found probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441a(f); that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, each violated 2 U.S.C. §§ 433 and 434; that McDevitt for Congress and Bruna M. McDevitt, as treasurer, each violated 2 U.S.C. §§ 434(b), 441a(f) and 441b(a); and that the Little Red Hen, Inc., Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, each violated 2 U.S.C. § 441b(a); and that Thomas and Bruna McDevitt each violated 2 U.S.C. § 441a(a)(1)(A). The Commission also found no probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441b(a) with respect to the receipt of a loan from the First Interstate Bank of Idaho, N.A.

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

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

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

5043620574

RECEIVED
FEDERAL ELECTION COMMISSION
DEC 7 4 10 PM '84

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Sean McDevitt, et al.

)
) MUR 3164
)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a signed conciliation agreement submitted in settlement of this matter.

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II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Sean McDevitt, Thomas McDevitt, Bruna McDevitt, Draft McDevitt for Congress and Thomas McDevitt, as treasurer, McDevitt for Congress and Bruna McDevitt, as treasurer and the Little Red Hen, Inc., and Thomas McDevitt, as President, and Sean McDevitt, as Vice President.
2. Close the file as to all the Respondents.
3. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

December 7, 1974
Date

BY: *L. G. Lerner* (1974)
Lois G. Lerner
Associate General Counsel

Attachment
Respondents' Conciliation Agreement

Staff Assigned: Craig D. Reffner

15043620578

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Sean McDevitt, et al.

)
) MUR 3164
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 13, 1994, the Commission decided by a vote of 5-0 to take the following actions in MUR 3164:

1. Accept the conciliation agreement with Sean McDevitt, Thomas McDevitt, Bruna McDevitt, Draft McDevitt for Congress and Thomas McDevitt, as treasurer, McDevitt for Congress and Bruna McDevitt, as treasurer and the Little Red Hen, Inc., and Thomas McDevitt, as President, and Sean McDevitt, as Vice President, as recommended in the General Counsel's Report dated December 7, 1994.
2. Close the file as to all Respondents.
3. Approve the appropriate letters, as recommended in the General Counsel's Report dated December 7, 1994.

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

Attest:

12-13-94
Date

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

Received in the Secretariat: Wed., Dec. 07, 1994 4:16 p.m.
Circulated to the Commission: Thurs., Dec. 08, 1994 11:00 a.m.
Deadline for vote: Tues., Dec. 13, 1994 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

December 21, 1994

Jonathan I. Feil, Esq.
Simburg, Ketter, Sheppard &
Purdy, P.S.
2525 First Interstate Center
999 Third Avenue
Seattle, WA 98104

RE: MUR 3164
Sean McDevitt
Thomas McDevitt
Bruna McDevitt
Draft McDevitt for Congress and
Thomas McDevitt, as treasurer
McDevitt for Congress and
Bruna McDevitt, as treasurer
Little Red Hen, Inc. and
Thomas McDevitt, as President and
Sean McDevitt, as Vice President

Dear Mr. Feil:

On December 13, 1994, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 441a(f), 433, 434, 441b(a), 434(b), and 441a(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

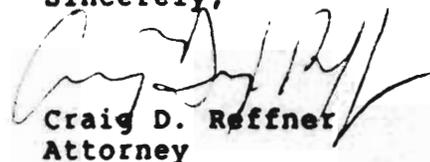
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Jonathan I. Feil, Esq.
Page 2

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. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 219-3400.

Sincerely,



Craig D. Ruffner
Attorney

Enclosure
Conciliation Agreement

5043620581

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Sean D. McDevitt)
Thomas J. McDevitt)
Bruna M. McDevitt)
McDevitt for Congress and)
Bruna M. McDevitt, as treasurer)
Little Red Hen, Inc., and)
Thomas J. McDevitt, as President)
Sean D. McDevitt, as Vice President)
Draft McDevitt for Congress)
Committee and Thomas J. McDevitt,)
as treasurer)

MUR 3164

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Conley Ward on behalf of the Idaho State Democratic Party. The Federal Election Commission ("Commission") found probable cause to believe that Sean McDevitt violated 2 U.S.C. § 441a(f); that Draft McDevitt for Congress Committee and Thomas McDevitt, as treasurer, violated 2 U.S.C. §§ 433 and 434; that McDevitt for Congress and Bruna McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f), 441b(a), and 434(b); that Thomas McDevitt and Bruna McDevitt violated 441a(a); and that Little Red Hen, Inc., Thomas McDevitt, as President, and Sean McDevitt, as Vice President, violated 2 U.S.C. § 441b(a).

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

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

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

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

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

1. Sean McDevitt was a candidate in Idaho's 1990 Second Congressional District election.

2. McDevitt for Congress (the "Committee") is the principal campaign committee for Sean McDevitt within the meaning of 2 U.S.C. § 431(5) and a political committee within the meaning of 2 U.S.C. § 431(4).

3. Bruna McDevitt is the treasurer of the Committee.

4. Draft McDevitt for Congress Committee (the "Draft Committee") was a political committee within the meaning of 2 U.S.C. § 431(4).

5. Thomas McDevitt was the treasurer of the Draft Committee.

6. Little Red Hen, Inc. (the "Corporation"), is a corporation organized under the laws of Idaho.

7. Thomas McDevitt is the President of the Corporation; Sean McDevitt is the Vice President of the Corporation.

8. 2 U.S.C. § 431(4)(A) of the Federal Election Campaign Act of 1971, as amended (the "Act") defines a political committee as any committee, club, association or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year. 2 U.S.C. §§ 433 and 434 state that political committees shall file a statement of organization no

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later than ten days after becoming a political committee and thereafter file reports disclosing receipts and disbursements in accordance with the Act.

9. In January 1989 the Draft Committee received contributions aggregating in excess of \$1,000.

10. The Draft Committee became a political committee within the meaning of 2 U.S.C. § 431(4) in January 1989.

11. In January 1990, the Draft Committee filed a statement of organization and disclosure report with the Commission.

12. 2 U.S.C. § 441a(a)(1)(A) states that no person may make contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000. 2 U.S.C. § 441a(f) states that no candidate or political committee shall knowingly accept any contribution in violation of the Act's limitations or prohibitions. 2 U.S.C. § 432(e)(2) states that when a candidate receives a contribution he or she is considered to have received the contribution as an agent of his or her authorized committee.

13. 2 U.S.C. § 431(8)(A)(i) defines a contribution to include a loan. 11 C.F.R. § 100.7(a) of the Commission's regulations states that a loan becomes a contribution when it is made and remains such to the extent it remains unpaid. 11 C.F.R. § 100.7(a)(1)(i)(B) of the Commission's regulations states that loans shall not exceed the contribution limits of the Act, and 11 C.F.R. § 100.7(a)(1)(i)(A) states that a loan which exceeds the contribution limitations of the Act shall be unlawful whether or not it is repaid. 11 C.F.R. § 100.7(a)(1)(i)(B) of the

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Commission's regulations further states that a loan, to the extent it is repaid, is no longer a contribution.

14. 11 C.F.R. § 103.3(b) of the Commission's regulations states that a committee's treasurer is responsible for determining whether contributions received exceed the contribution limitations of the Act. 11 C.F.R. § 103.3(b)(3) states that contributions which on their face exceed the contribution limits of the Act may be either deposited into a campaign depository or refunded to the contributor. 11 C.F.R. § 103.3(b)(3) further states that if deposited, the treasurer may seek redesignation or reattribution for the contribution, but if redesignation or reattribution is not obtained, then the contribution must be refunded within sixty days from the date of receipt by the treasurer. 11 C.F.R. § 103.3(b)(4) of the Commission's regulations states that any contribution which appears to be illegal on its face and is deposited into a campaign depository shall not be used for any disbursements by the committee until the contribution has been determined to be legal.

15. On October 11, 1990, Thomas and Bruna McDevitt made a \$30,000 contribution in the form of a loan to Sean McDevitt, who received this \$30,000 loan on behalf of the Committee.

16. On November 23, 1990, Sean McDevitt paid Thomas and Bruna McDevitt \$22,600 in repayment of the loan. Sean McDevitt repaid Thomas and Bruna McDevitt with funds raised from personal assets, including withdrawal of an IRA account. The Committee also redesignated \$4,000 of the loan as campaign contributions by Thomas and Bruna McDevitt within the contribution limits of the

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Act. These activities are reflected in the 1990 Thirty Day Post General Election Report which the Committee filed for the reporting period of October 20, 1990 through November 28, 1990. Before making this refund to Thomas and Bruna McDevitt, the Committee used the proceeds of the \$30,000 loan to make disbursements in connection with the 1990 election.

17. 2 U.S.C. § 431(8)(A)(i) states that a contribution includes an advance. 11 C.F.R. § 116.5 of the Commission's regulations states that payments by an individual from his or her personal funds for the costs incurred in providing goods or services that are used by or on behalf of a political committee are a contribution subject to the contribution limitations of the Act. 2 U.S.C. § 434(b) states that each treasurer of a political committee shall file reports of all contributions received.

18. During the campaign, Thomas McDevitt incurred expenses totaling \$2,781.26 on behalf of the Committee. Thomas McDevitt was reimbursed \$2,781.26 by the Committee on November 6, 1990.

19. Although the Committee did not disclose the \$2,781.26 in costs incurred by Thomas McDevitt as contributions, the Committee, in the 1990 Thirty Day Post General Election Report, which covers the reporting period of October 20, 1990, through November 28, 1990, did disclose that Thomas McDevitt was repaid \$2,781.26 on November 6, 1990, an "advertising reimbursement."

20. 2 U.S.C. § 441b(a) states that corporations may not make contributions or expenditures in connection with a Federal election. 2 U.S.C. § 441b(b)(2) states that for purposes of section 441b(a), a contribution or expenditure includes any direct

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or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value. 11 C.F.R.

§ 100.7(a)(1)(iii)(A) of the Commission's regulations states that "anything of value" includes all in-kind contributions, including the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services. 11 C.F.R. § 100.7(a)(1)(iii)(B) states that the "usual and normal charge" for goods means the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution.

21. 11 C.F.R. § 114.9(e)(2) of the Commission's regulations states that when a candidate uses any means of transportation (other than an airplane) owned by a corporation, the corporation must be reimbursed the normal and usual rental charge within a commercially reasonable time.

22. The Committee occupied office space in a building owned by the Corporation from April 1990 through November 1990. Under the terms of an oral lease, the Committee was required to pay rent of \$400 per month in addition to the cost of utilities for this office. The lease further provided that the rent would be payable at the end of the campaign.

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23. The Corporation regularly leases office space. In the normal course of its business, its leases provide for the tenants to pay a security deposit equal to one month's rent, rental payments on the first day of the month, and the cost of utilities.

24. On November 1, 1990, the Committee paid the Corporation \$2,900 rent. The Committee did not provide a security deposit for the office space, did not pay rent on a monthly basis and did not pay for the cost of utilities. In addition, the Committee did not pay rent for the full month of November 1990, even though the Committee occupied the office space for a portion of that month.

25. In March 1990 the Corporation provided Sean McDevitt with a vehicle in connection with his duties as an employee of the Corporation. Between March and November 1990, Sean D. McDevitt drove the Corporation's vehicle 36,840 miles in connection with his congressional campaign.

26. On November 19, 1990, the Committee paid the Corporation \$2,210.41 for Sean McDevitt's campaign-related use of the vehicle.

27. The Committee did not pay the Corporation at the prevailing commercial rate for rental of the vehicle in question. The prevailing commercial rate would have been a total of \$4,531.32, as calculated by the Commission. The Committee also did not reimburse the Corporation at commercially reasonable times during the campaign, but instead reimbursed the Committee at the conclusion of the campaign.

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V. 1. Draft McDevitt for Congress Committee and Thomas McDevitt, as treasurer, failed to register as a political committee within 10 days of establishment and thereafter regularly file disclosure reports in violation of 2 U.S.C. §§ 433 and 434.

2. Thomas McDevitt and Bruna McDevitt made an excessive contribution, in the form of loans and advances, totaling \$28,781.26 to the Committee in violation of 2 U.S.C. § 441a(f).

3. Sean McDevitt received a \$26,000 excessive contribution, in the form of a loan, from Thomas and Bruna McDevitt on behalf of the Committee in violation of 2 U.S.C. § 441a(f).

4. McDevitt for Congress and Bruna McDevitt, as treasurer, received an excessive contribution totaling \$28,781.26 from Thomas J. and Bruna M. McDevitt in violation of 2 U.S.C. § 441a(f).

5. McDevitt for Congress and Bruna McDevitt, as treasurer, failed to report \$2,781.26 in advances made by Thomas McDevitt as a contribution in violation of 2 U.S.C. § 434(b).

6. Little Red Hen, Inc., Thomas McDevitt, as President, and Sean McDevitt, as Vice President, made in-kind contributions to McDevitt for Congress and Bruna McDevitt, as treasurer, in violation of 2 U.S.C. § 441b(a).

7. McDevitt for Congress and Bruna McDevitt, as treasurer, accepted corporate contributions from the Corporation in violation of 2 U.S.C. § 441b(a).

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8. Respondents contend (a) that the violations at issue in this matter were not knowing and willful; (b) that Respondent Thomas McDevitt was uncertain whether the disclosure and reporting requirements applied to "draft" committees and filed the Draft Committee's statement of organization and disclosure report for the "sake of completeness;" (c) that neither Sean McDevitt nor the Committee was responsible in any way for the activities and operations of the Draft Committee; (d) that Thomas and Bruna McDevitt are caring parents and that they loaned their son, Sean McDevitt, \$30,000 to spare him from having to liquidate his personal investments; (e) that Respondents reported the loan transaction to the Commission, made a good faith effort to correct the excessive contribution as directed by Commission staff and in compliance with the Commission's regulations, and made a \$22,600 refund within 60 days; (f) that the lease and vehicle rental terms were reasonable under the circumstances; (g) that the office space in question was vacant and unrented for an extended period of time and the Committee was required to repair, and did repair, the office space so that it could be leased after the campaign; and (h) that the Corporation did not regularly rent vehicles and Sean McDevitt or the Committee paid the gas, maintenance and repair expenses for the vehicle in question.

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of ten thousand dollars (\$10,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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2. McDevitt for Congress and Bruna McDevitt, as treasurer, will refund Thomas and Bruna McDevitt \$3,400, which is the unrefunded amount of their excessive contribution.

3. McDevitt for Congress and Bruna McDevitt, as treasurer, will reimburse the Corporation \$2,220.91, which is the unreimbursed amount of the Corporation's contributions.

4. McDevitt for Congress and Bruna M. McDevitt, as treasurer, will amend disclosure reports to show that the \$2,781.26 advanced by Thomas McDevitt is a contribution.

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

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

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

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

12-22-94
Date

FOR THE RESPONDENTS:


Sean D. McDevitt
for himself and as Vice
President, Little Red Hen, Inc.

23 NOV 94
Date

Thomas J. McDevitt
for himself and as Treasurer,
Draft McDevitt for Congress
Committee and as President,
Little Red Hen, Inc.

Date

Bruna M. McDevitt
for herself and as Treasurer,
McDevitt for Congress

Date

5043620593



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 21, 1994

Robert E. Onnen, Esq.
Assistant General Counsel
First Interstate Bank of Idaho, N.A.
P. O. Box 57
Boise, ID 83757

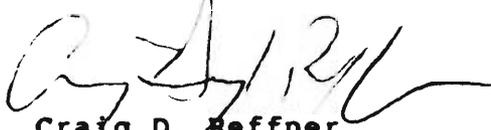
RE: MUR 3164
First Interstate Bank of
Idaho, N.A.

Dear Mr. Onnen:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,


Craig D. Reffner
Attorney

5043620594



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

December 21, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Conley D. Ward
Idaho Democratic Party
P. O. Box 445
Boise, ID 83701

RE: MUR 3164

Dear Mr. Ward:

This is in reference to the complaint you filed with the Federal Election Commission on November 5, 1990, concerning Sean McDevitt's campaign in Idaho's 1990 Second Congressional District election.

After conducting an investigation in this matter, the Commission took several actions. On May 4, 1993, the Commission found no reason to believe that Charles T. McDevitt, Daniel B. McDevitt, and James P. McDevitt violated 2 U.S.C. § 441a(a). On August 11, 1994, the Commission found that there is no probable cause to believe that the First Interstate Bank of Idaho, N.A., violated 2 U.S.C. § 441b(a) and closed the file as it pertains to the First Interstate Bank of Idaho, N.A. Also on August 11, 1994, the Commission found that there is no probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441b(a) with respect to the receipt of a loan from the First Interstate Bank of Idaho, N.A.

The Commission, on August 11, 1994, found that there was probable cause to believe that Sean D. McDevitt violated 2 U.S.C. § 441a(f); that the Draft McDevitt for Congress Committee and Thomas J. McDevitt, as treasurer, violated 2 U.S.C. §§ 433 and 434; that McDevitt for Congress and Bruna M. McDevitt, as treasurer, violated 2 U.S.C. §§ 441a(f), 441b(a), and 434(b); that Thomas J. McDevitt and Bruna M. McDevitt violated 2 U.S.C. § 441a(a); and that the Little Red Hen, Inc., and Thomas J. McDevitt, as President, and Sean D. McDevitt, as Vice President, violated 2 U.S.C. § 441b(a). On December 13, 1994, a conciliation agreement signed by these respondents was accepted by the

5043620595

Conley Ward
Page 2

Commission, thereby concluding the matter. Accordingly, the Commission closed the file in this matter on December 13, 1994. A copy of this agreement is enclosed for your information.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,



Craig D. Reffner
Attorney

Enclosure
Conciliation Agreement

5043620596



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE END OF MUR # 3164

DATE FILMED 1-11-95 CAMERA NO. 2

CAMERAMAN JM4

5043620597



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 1/24/95

 Microfilm
 Public Records
 Press

25043624419

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3164

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

ATTORNEYS AT LAW

2525 FIRST INTERSTATE CENTER
999 THIRD AVENUE
SEATTLE, WASHINGTON 98104-4089
(206) 382-2600

TELEX 3737171
FACSIMILE (206) 223-3929

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

MARK V. JORDAN

JAN 23 12 51 PM '95

January 20, 1995

BY CERTIFIED MAIL

Mr. Craig D. Reffner
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **Conciliation Agreement in MUR 3164 (McDevitt for Congress et al.)**

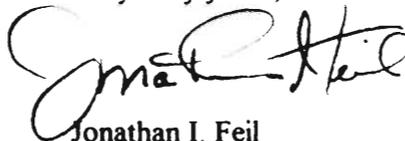
Dear Mr. Reffner:

On behalf of the respondents in the above-captioned matter, enclosed is a check to the Federal Election Commission in payment of the \$10,000 civil penalty, pursuant to 2 U.S.C. § 437g(a)(5)(A) and Paragraph VI.1 of the Conciliation Agreement.

This letter is to notify the Commission, pursuant to Paragraph IX of the Conciliation Agreement, that, upon receipt by the Commission of the enclosed payment, respondents will have complied with the requirements of paragraphs VI.1 (civil penalty), VI.2 (refund) and VI.3 (reimbursement) of the Conciliation Agreement. Compliance with the remaining requirement, under paragraph VI.4 (amendment of reports), is in progress. The amended reports have been prepared for Mrs. McDevitt's review and signature as treasurer of McDevitt for Congress, and we expect them to be mailed, for filing with the Clerk of the House, on or about this Monday (January 23, 1995).

Please contact me if you have any questions about this letter.

Very truly yours,



Jonathan I. Feil

JIF:s

cc: Respondents
L: C MCDET01REF12 LTR

25043624420

JAN 21 2 10 PM '95

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

THOMAS J. MC DEVITT, M. D.

P. O. BOX 4828
POCATELLO, ID 83205

6652

92-8/1241

January 10, 1995

PAY
TO THE
ORDER OF

Federal Election Commission

\$ 10,000.00

THOMAS J. MCDEVITT
M.D. P.T.

10000 DOLS 00 CTS

DOLLARS

**First
Security
Bank.**

First Security Bank of Idaho
300 S. Arthur Street
Pocatello, Idaho 83204
800-574-4200

FOR

Thomas J. McDevitt

25043624421



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Jan 23, 1995

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Rosa E. Swinton
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from Thomas J. McDevitt M.D., check number 6652, dated 01/10/95, and in the amount of \$ 10,000.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

Jan 21 2 14 PM '95
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK

25043624422

TO: Rosa E. Swinton
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of \$ 10,000.00, the MUR number is 3164 and in the name of McDevitt for Congress. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: _____

Anita Alexander
Signature

1-24-95
Date

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

ATTORNEYS AT LAW

1888 FIRST INTERSTATE CENTER

909 THIRD AVENUE

SEATTLE, WASHINGTON 98104-4089

(206) 388-2800

TELEPHONE 206/388-2800

FACSIMILE: (206) 388-3888

JONATHAN I. FEIL
DAVID S. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

MARK V. JORDAN

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF
JAN 23 11 30 AM '95

FAX COVER LETTER
FAX NUMBER: (206) 223-3929

DATE: January 23, 1995
TO: Craig D. Reffner
Federal Election Commission
Office of General Counsel
FAX NUMBER: 202-219-3923
FROM: Jonathan I. Feil
RE: MUR 3164
NUMBER OF PAGES (including this cover sheet): 5

2 5 0 4 3 6 2 4 4 2 3

THIS FAX TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE RECIPIENT NAMED ABOVE. IT MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL, PRIVILEGED, TRADE SECRET, AND PROTECTED BY LAW FROM UNAUTHORIZED USE AND DISCLOSURE. If you are not the intended recipient (or responsible for delivering this fax to its intended recipient), you are notified that any use, dissemination, distribution, or copying of this fax is prohibited. If you have received this fax in error, please notify us by telephone (at our cost) and return the original fax to us by mail at the above address. Thank you.

L:\CMCDET\495P2117R

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

ATTORNEYS AT LAW

2828 FIRST INTERSTATE CENTER

888 THIRD AVENUE

SEATTLE, WASHINGTON 98104-4088

(206) 382-2600

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

TELEX: 373771
FACSIMILE (206) 382-2600

MARK V. JORDAN

January 23, 1995

**BY FAX; CONFIRMING
ORIGINAL BY MAIL**

Mr. Craig D. Reffner
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Conciliation Agreement in MUR 3164 (McDevitt for Congress et al.)

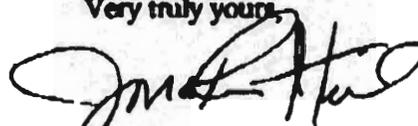
Dear Mr. Reffner:

Enclosed for your information are copies of our transmittal letters to the Clerk of the House and Idaho Secretary of State filing: (1) the amended disclosure reports, pursuant to paragraph VI.4 of the Conciliation Agreement, and (2) the January 31 Year End Report (7/1/94 - 12/31/94) which reports respondents' compliance with paragraphs VI.2 (refund) and VI.3 (reimbursement) of the Conciliation Agreement.

On behalf of the respondents in the above-captioned matter, this letter is to notify the Commission, pursuant to Paragraph IX of the Conciliation Agreement, that respondents have complied with all the requirements of the Conciliation Agreement. It is our understanding that this matter is now closed.

Please contact me if you have any questions about this letter.

Very truly yours,


Jonathan I. Feil

JIF:s

cc: Respondents
L:\CMCDET\01REFZ\LTR

JAN 23 4 38 11 PM '95
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

25043624424

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

ATTORNEYS AT LAW

2885 FIRST INTERSTATE CENTER
890 THIRD AVENUE

SEATTLE, WASHINGTON 98104-4089
(206) 382-2600

TELEX 373771
FACSIMILE (206) 382-0000

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
NELVYN JAY SIMBURG

MARR V. JORDAN

January 23, 1995

BY CERTIFIED MAIL

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

ATTN: FEC Reports Analysis

Re: McDevitt for Congress (FEC Identification Number C 00241257)

Dear Clerk:

Enclosed for filing, on behalf of McDevitt for Congress (FEC Identification Number C 00241257), are the following Reports of Receipts and Disbursements:

<u>Item</u>	<u>Description</u>
1	Amended April 15 Quarterly Report (1/1/90 - 3/31/90)
2	Amended July 15 Quarterly Report (5/3/90 - 6/30/90)
3	Amended October 15 Quarterly Report (7/1/90 - 9/30/90)
4	Amended Twelfth Day Report Preceding November 6, 1990 General Election (10/1/90 - 10/17/90)
5	Amended Thirtieth Day Report Following November 6, 1990 General Election (10/18/90 - 11/29/90)
6	January 31 Year End Report -- Non-Election Year (7/1/94 - 12/31/94).

The Amended Reports (items 1 - 4) are submitted for the purpose of complying with Paragraph VI.4 of the Conciliation Agreement in McDevitt for Congress (MUR 3164). That provision requires the McDevitt for Congress campaign committee to amend its disclosure reports to show that \$2,781.26 advanced by Dr. Thomas McDevitt was a contribution.

By way of explanation (so that the enclosed reports can be more readily understood), the \$2,781.26 contribution is comprised of three in-kind contributions: (i) March 24, 1990 in-kind contribution of \$1,286.23; (ii) June 1, 1990 in-kind contribution of \$1,174.32, and (iii) in-kind contributions, exact date unknown, of \$320.69. The first two contributions have been reported, along with offsetting disbursements (noted as "in kind received") in the reports for the applicable

25043624425

SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.

Clerk of the House

FEC Reports Analysis

January 23, 1995

2

reporting periods (items 1 and 2). We know that the remaining in-kind contribution was made before the general election, but despite best efforts, the exact date is not known. It was therefore deemed most appropriate to report the contribution and disbursement in the last report filed before the election (item 4).

The remaining amended reports (items 3 and 5) are filed for the single purpose of correcting the calendar year-to-date totals to correspond with the above-described reports. The reporting for the period covered by those reports is not amended.

Lastly, item 6 reports certain contributions, refunds, and reimbursements required to comply with the requirements of paragraphs VI.2 and VI.3 of the above-referenced conciliation agreement.

Please contact me, as attorney for the McDevitt for Congress campaign committee and its treasurer, if you have any questions about this letter or the enclosed reports.

Very truly yours,

Jonathan I. Feil

Enclosures

McDevitt for Congress

FEC General Counsel

LMCDEVITVICLERKLTR

5047624423

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

ATTORNEYS AT LAW

2222 FIRST INTERSTATE CENTER

999 THIRD AVENUE

SEATTLE, WASHINGTON 98104-4069

(206) 382-2000

TELEBU 2027971

FACSIMILE 1999 382-2000

JONATHAN I. FEIL
DAVID S. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVIN JAY SIMBURG

MARR V. JORDAN

January 23, 1995

Election Division
Office of Secretary of State
205 State House
Boise, ID 83720

Re: McDevitt for Congress (FEC Identification Number C 00241257)

Dear Election Division:

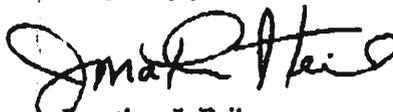
On behalf of McDevitt for Congress, we enclose for filing with your office one copy each of the following Reports of Receipts and Disbursements which have been filed today with the Clerk of the U.S. House of Representatives:

- (1) Amended April 15 Quarterly Report (1/1/90 - 3/31/90);
- (2) Amended July 15 Quarterly Report (5/3/90 - 6/30/90);
- (3) Amended October 15 Quarterly Report (7/1/90 - 9/30/90);
- (4) Amended Twelfth Day Report Preceding November 6, 1990 General Election (10/1/90 - 10/17/90);
- (5) Amended Thirtieth Day Report Following November 6, 1990 General Election (10/18/90 - 11/29/90);
- (6) January 31 Year End Report -- Non-Election Year (7/1/94 - 12/31/94).

Also enclosed, for your information, is our cover letter to the Clerk of the House explaining the reports.

Please contact me, as attorney for the McDevitt for Congress campaign committee and its treasurer, if you have any questions about this letter or the enclosed reports.

Very truly yours,


Jonathan I. Feil

JIF:s

Enclosures

cc: McDevitt for Congress
L:\CMCDEVIT\1995\1.17

25043624427



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 5/1/95

Microfilm
 Public Records
 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3164

95043635331

Robin D. Cole
Clerk

Linda G. Stabe
Deputy Clerk

Office of the Clerk
U.S. House of Representatives
Washington, DC 20515-6601

April 28, 1995

TO: Lawrence J. Noble, General Counsel
Office of General Counsel
Federal Election Commission

FROM: Robert Templeton, Acting Director *RobT*
Office of Records and Registration

RE: MUR 3164

APR 28 4 56 PM '95
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

Enclosed is a copy of certain material received by this office.

This material has been microfilmed and included in our computer index. Please advise this office whether the document has been handled in a manner consistent with Commission procedures.

Thank you for your attention to this matter.

T.S.M.

95043635372

✓ REGISTERED

JAN 23 1995

RECEIVED
OFFICE OF RECORDS & REGISTRATION

95 JAN 27 AM 9:46

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

ATTORNEYS AT LAW

2555 FIRST INTERSTATE CENTER

999 THIRD AVENUE

SEATTLE, WASHINGTON 98104-4089

(206) 382-2600

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

TELEX: 373717

FACSIMILE: (206) 843-3000

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

MARK V. JORDAN

January 23, 1995

BY CERTIFIED MAIL

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

ATTN: FEC Reports Analysis

133558

Re: McDevitt for Congress (FEC Identification Number C 00241257)

Dear Clerk:

Enclosed for filing, on behalf of McDevitt for Congress (FEC Identification Number C 00241257), are the following Reports of Receipts and Disbursements:

<u>Item</u>	<u>Description</u>
1	Amended April 15 Quarterly Report (1/1/90 - 3/31/90)
2	Amended July 15 Quarterly Report (5/3/90 - 6/30/90)
3	Amended October 15 Quarterly Report (7/1/90 - 9/30/90)
4	Amended Twelfth Day Report Preceding November 6, 1990 General Election (10/1/90 - 10/17/90)
5	Amended Thirtieth Day Report Following November 6, 1990 General Election (10/18/90 - 11/29/90)
6	January 31 Year End Report -- Non-Election Year (7/1/94 - 12/31/94).

The Amended Reports (items 1 - 4) are submitted for the purpose of complying with Paragraph VI.4 of the Conciliation Agreement in McDevitt for Congress (MUR 3164). That provision requires the McDevitt for Congress campaign committee to amend its disclosure reports to show that \$2,781.26 advanced by Dr. Thomas McDevitt was a contribution.

By way of explanation (so that the enclosed reports can be more readily understood), the \$2,781.26 contribution is comprised of three in-kind contributions: (i) March 24, 1990 in-kind contribution of \$1,286.23; (ii) June 1, 1990 in-kind contribution of \$1,174.32, and (iii) in-kind contributions, exact date unknown, of \$320.69. The first two contributions have been reported, along with offsetting disbursements (noted as "in kind received") in the reports for the applicable

9504363333

SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.

Clerk of the House
Attn: FEC Reports Analysis
January 23, 1995
Page 2

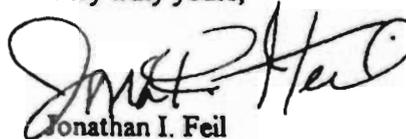
reporting periods (items 1 and 2). We know that the remaining in-kind contribution was made before the general election, but despite best efforts, the exact date is not known. It was therefore deemed most appropriate to report the contribution and disbursement in the last report filed before the election (item 4).

The remaining amended reports (items 3 and 5) are filed for the single purpose of correcting the calendar year-to-date totals to correspond with the above-described reports. The reporting for the period covered by those reports is not amended.

Lastly, item 6 reports certain contributions, refunds, and reimbursements required to comply with the requirements of paragraphs VI.2 and VI.3 of the above-referenced conciliation agreement.

Please contact me, as attorney for the McDevitt for Congress campaign committee and its treasurer, if you have any questions about this letter or the enclosed reports.

Very truly yours,



Jonathan I. Feil

JIF:s
Enclosures
cc: McDevitt for Congress
FEC General Counsel
L:\CMCDET\CLERK.LTR

9504363534

REPORT OF RECEIPTS AND DISBURSEMENTS REGISTERED

For An Authorized Committee
(Summary Page)

JAN 23 1995

RECEIVED
OFFICE OF RECORDS & ADMINISTRATION

95 JAN 27 AM 9:47

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

133558

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
McDevitt for Congress

ADDRESS (number and street) Check if different than previously reported.
237 S 7th Ave.

CITY, STATE and ZIP CODE STATE/DISTRICT
Pocatello, ID 83201 ID/02

2. FEC NUMBER
C 00241257

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 <u>5/3/90</u> through <u>6/30/90</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	7,655.32	9,829.57
(b) Total Contribution Refunds (from Line 20(d))	--	--
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	7,655.32	9,829.57
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	12,499.93	36,357.89
(b) Total Offsets to Operating Expenditures (from Line 14)	--	--
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	12,499.93	36,357.89
8. Cash on Hand at Close of Reporting Period (from Line 27)	3,471.68	
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)	30,000.00	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

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
Bruna M. McDevitt

Signature of Treasurer *Bruna M. McDevitt* ✓

Date
Jan. 23, 1995

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)

9 5 0 4 3 6 3 5 3 3 5

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

Name of Committee (in full) **Deve Barry for Congress Committee (FEC ID# C00 240200)** Report Covering the Period: **1/1/93** To: **6/30/93**
From: To:

I. RECEIPTS		COLUMN A	COLUMN B
		Total This Period	Calendar Year-To-Date
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)	1000.00		
(ii) Unitemized	0.00		
(iii) Total of contributions from individuals	1000.00	1000.00	
(b) Political Party Committees	0.00	0.00	
(c) Other Political Committees (such as PACs)	0.00	0.00	
(d) The Candidate	3600.00	3600.00	
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	4600.00	4600.00	
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00	
13. LOANS:			
(a) Made or Guaranteed by the Candidate	0.00	0.00	
(b) All Other Loans	0.00	0.00	
(c) TOTAL LOANS (add 13(a) and (b))	0.00	0.00	
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00	
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00	
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	4600.00	4600.00	
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	4545.52	4545.52	
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00	
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate	0.00	0.00	
(b) Of All Other Loans	0.00	0.00	
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	0.00	0.00	
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	0.00	0.00	
(b) Political Party Committees	0.00	0.00	
(c) Other Political Committees (such as PACs)	0.00	0.00	
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	0.00	0.00	
21. OTHER DISBURSEMENTS	0.00	0.00	
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	4545.52	4545.52	

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$	4.66	
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$	4600.00	
25. SUBTOTAL (add Line 23 and Line 24)	\$	4604.66	
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$	4545.52	
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$	59.14	

950436336

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3)

Name of Committee (in full) **McDevitt for Congress** Report Covering the Period: From: **5/3/90** To: **6/30/90**

	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Remitted (use Schedule A)	5,424.32		11(a)(i)
(ii) Unitemized	2,231.00		11(a)(ii)
(iii) Total of contributions from individuals	7,655.32	9,829.57	11(a)(iii)
(b) Political Party Committees	--		11(b)
(c) Other Political Committees (such as PACs)	--		11(c)
(d) The Candidate	--		11(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	7,655.32	9,829.57	11(e)
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES			12
13. LOANS:			
(a) Made or Guaranteed by the Candidate	--	30,000.00	13(a)
(b) All Other Loans	--	--	13(b)
(c) TOTAL LOANS (add 13(a) and (b))	--	30,000.00	13(c)
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	--	--	14
15. OTHER RECEIPTS (Dividends, interest, etc.)	--	--	15
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	7,655.32	39,829.57	16
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	12,499.93	36,357.89	17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	--	--	18
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate	--	--	19(a)
(b) Of All Other Loans	--	--	19(b)
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	--	--	19(c)
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	--	--	20(a)
(b) Political Party Committees	--	--	20(b)
(c) Other Political Committees (such as PACs)	--	--	20(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	--	--	20(d)
21. OTHER DISBURSEMENTS	--	--	21
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	12,499.93	36,357.89	22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$ 8,316.29		23
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$ 7,655.32		24
25. SUBTOTAL (add Line 23 and Line 24)	\$ 15,971.61		25
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$ 12,499.93		26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$ 3,471.68		27

95043635337

SCHEDULE A

ITEMIZED RECEIPTS

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

PAGE 1 OF 1

FOR LINE NUMBER 11(a)(1)

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

NAME OF COMMITTEE (in Full)

McDevitt for Congress

95043635338

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Tom and Bruna McDevitt 237 S 7th Ave. Pocatello, ID 83201	Self	6/1/90	1,174.32 (in kind)
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Physician/Housewife	Aggregate Year-to-Date > \$ 2,460.57	
B. Full Name, Mailing Address and ZIP Code	Name of Employer (primary/gen'l total)	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	

SUBTOTAL of Receipts This Page (optional)

1,174.32

TOTAL This Period (last page this line number only)

1,174.32

SCHEDULE B

ITEMIZED DISBURSEMENTS

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

PAGE 1 OF 1

FOR LINE NUMBER
17

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

NAME OF COMMITTEE (in Full)

McDevitt for Congress

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Tom and Bruna McDevitt 237 S 7th Ave. Pocatello, ID 83201	Printing Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/1/90	1,174.32 (in kind received)
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

95043635339

SUBTOTAL of Disbursements This Page (optional)	1,174.32
TOTAL This Period (last page this line number only)	1,174.32

✓ REGISTERED

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OFFICE OF RECORDS & REGISTRATION

95 JAN 27 AM 9:46

JAN 23 1995

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

ATTORNEYS AT LAW

2222 FIRST INTERSTATE CENTER
899 THIRD AVENUE
SEATTLE, WASHINGTON 98104-4089
(206) 382-2600

TELEX: 2737171
FACSIMILE: (206) 222-3629

MARK V. JORDAN

January 23, 1995

BY CERTIFIED MAIL

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

ATTN: FEC Reports Analysis

133558

Re: McDevitt for Congress (FEC Identification Number C 00241257)

Dear Clerk:

Enclosed for filing, on behalf of McDevitt for Congress (FEC Identification Number C 00241257), are the following Reports of Receipts and Disbursements:

Item	Description
1	Amended April 15 Quarterly Report (1/1/90 - 3/31/90)
2	Amended July 15 Quarterly Report (5/3/90 - 6/30/90)
3	Amended October 15 Quarterly Report (7/1/90 - 9/30/90)
4	Amended Twelfth Day Report Preceding November 6, 1990 General Election (10/1/90 - 10/17/90)
5	Amended Thirtieth Day Report Following November 6, 1990 General Election (10/18/90 - 11/29/90)
6	January 31 Year End Report -- Non-Election Year (7/1/94 - 12/31/94).

The Amended Reports (items 1 - 4) are submitted for the purpose of complying with Paragraph VI.4 of the Conciliation Agreement in McDevitt for Congress (MUR 3164). That provision requires the McDevitt for Congress campaign committee to amend its disclosure reports to show that \$2,781.26 advanced by Dr. Thomas McDevitt was a contribution.

By way of explanation (so that the enclosed reports can be more readily understood), the \$2,781.26 contribution is comprised of three in-kind contributions: (i) March 24, 1990 in-kind contribution of \$1,286.23; (ii) June 1, 1990 in-kind contribution of \$1,174.32, and (iii) in-kind contributions, exact date unknown, of \$320.69. The first two contributions have been reported, along with offsetting disbursements (noted as "in kind received") in the reports for the applicable

95043635340

SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.

Clerk of the House
Attn: FEC Reports Analysis
January 23, 1995
Page 2

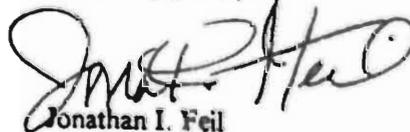
reporting periods (items 1 and 2). We know that the remaining in-kind contribution was made before the general election, but despite best efforts, the exact date is not known. It was therefore deemed most appropriate to report the contribution and disbursement in the last report filed before the election (item 4).

The remaining amended reports (items 3 and 5) are filed for the single purpose of correcting the calendar year-to-date totals to correspond with the above-described reports. The reporting for the period covered by those reports is not amended.

Lastly, item 6 reports certain contributions, refunds, and reimbursements required to comply with the requirements of paragraphs VI.2 and VI.3 of the above-referenced conciliation agreement.

Please contact me, as attorney for the McDevitt for Congress campaign committee and its treasurer, if you have any questions about this letter or the enclosed reports.

Very truly yours,



Jonathan I. Feil

JIF:s

Enclosures

cc: McDevitt for Congress
FEC General Counsel
KACOMCDET91CLERIKLTR

95043635341

REPORT OF RECEIPTS AND DISBURSEMENTS

REGISTERED

For An Authorized Committee
(Summary Page)

JAN 23 1995

RECEIVED
OFFICE OF RECORDS & INFORMATION

9599 JAN 27 AM 9:47

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

133558

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
McDevitt for Congress

ADDRESS (number and street) Check if different than previously reported.
237 S 7th Ave.

CITY, STATE and ZIP CODE
Pocatello, ID 83201

STATE/DISTRICT
ID/02

2. FEC IDENTIFICATION NUMBER
C 00241257

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

5. Covering Period	COLUMN A	COLUMN B
<u>7/1/90</u> through <u>9/30/90</u>	This Period	Calendar Year-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	25,421.69	35,251.26
(b) Total Contribution Refunds (from Line 20(d))		
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	25,421.69	35,251.26
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	24,261.25	60,619.14
(b) Total Offsets to Operating Expenditures (from Line 14)	317.46	317.46
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	23,943.79	60,301.68
8. Cash on Hand at Close of Reporting Period (from Line 27)	4,949.58	
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)	30,000.00	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

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
Bruna M. McDevitt

Signature of Treasurer *Bruna M. McDevitt* ✓

Date
Jan. 23, 1995

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)

95043635312

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3)

Name of Committee (in full) **McDevitt for Congress** Report Covering the Period:
 From: **7/1/90** To: **9/30/90**

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)	5,020.69		11(a)(i)
(ii) Unitemized	15,491.00		11(a)(ii)
(iii) Total of contributions from individuals	20,511.69	30,341.26	11(a)(iii)
(b) Political Party Committees	510.00	510.00	11(b)
(c) Other Political Committees (such as PACs)	1,400.00	1,400.00	11(c)
(d) The Candidate	3,000.00	3,000.00	11(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	25,421.69	35,251.26	11(e)
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES			12
13. LOANS:			
(a) Made or Guaranteed by the Candidate	--	30,000.00	13(a)
(b) All Other Loans	--		13(b)
(c) TOTAL LOANS (add 13(a) and (b))	--	30,000.00	13(c)
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	317.46	317.46	14
15. OTHER RECEIPTS (Dividends, Interest, etc.)	--	--	15
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	25,739.15	65,568.72	16
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	24,261.25	60,619.14	17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	--	--	18
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate	--	--	19(a)
(b) Of All Other Loans	--	--	19(b)
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	--	--	19(c)
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	--	--	20(a)
(b) Political Party Committees	--	--	20(b)
(c) Other Political Committees (such as PACs)	--	--	20(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	--	--	20(d)
21. OTHER DISBURSEMENTS	--	--	21
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	24,261.25	60,619.14	22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$ 3,471.68	23
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$ 25,739.15	24
25. SUBTOTAL (add Line 23 and Line 24)	\$ 29,210.83	25
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$ 24,261.25	26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$ 4,949.58	27

95043635343

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

NAME OF COMMITTEE (in Full)

McDevitt for Congress

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Tom and Bruna McDevitt 237 S 7th Ave. Pocatello, ID 83201	Self	Various*	320.69 (in kind)
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Physician/Housewife	Aggregate Year-to-Date \$ 2,781.26	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date \$	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date \$	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date \$	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date \$	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date \$	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date \$	

9504363534

SUBTOTAL of Receipts This Page (optional)	320.69
TOTAL This Period (last page this line number only)	5,020.69

* See explanatory cover letter

-CHEDULE B

ITEMIZED DISBURSEMENTS

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

PAGE **1** OF **1**
FOR LINE NUMBER
17

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

NAME OF COMMITTEE (in Full)

McDevitt for Congress

95043635345

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Tom and Bruna McDevitt 237 S 7th Ave. Pocatello, ID 83201	Misc./Advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	Various	320.69 (in kind received)
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	320.69
TOTAL This Period (last page this line number only)	23,246.55

✓ REGISTERED

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JAN 23 1995

95 JAN 27 AM 9:46

SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

ATTORNEYS AT LAW

2525 FIRST INTERSTATE CENTER

999 THIRD AVENUE

SEATTLE, WASHINGTON 98104-4099

(206) 362-2600

TELEPHONE: 3737171

FACSIMILE: (206) 222-3999

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

MARK V. JORDAN

January 23, 1995

BY CERTIFIED MAIL

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

ATTN: FEC Reports Analysis

133558

Re: McDevitt for Congress (FEC Identification Number C 00241257)

Dear Clerk:

Enclosed for filing, on behalf of McDevitt for Congress (FEC Identification Number C 00241257), are the following Reports of Receipts and Disbursements:

Item	Description
1	Amended April 15 Quarterly Report (1/1/90 - 3/31/90)
2	Amended July 15 Quarterly Report (5/3/90 - 6/30/90)
3	Amended October 15 Quarterly Report (7/1/90 - 9/30/90)
4	Amended Twelfth Day Report Preceding November 6, 1990 General Election (10/1/90 - 10/17/90)
5	Amended Thirtieth Day Report Following November 6, 1990 General Election (10/18/90 - 11/29/90)
6	January 31 Year End Report -- Non-Election Year (7/1/94 - 12/31/94).

The Amended Reports (items 1 - 4) are submitted for the purpose of complying with Paragraph VI.4 of the Conciliation Agreement in McDevitt for Congress (MUR 3164). That provision requires the McDevitt for Congress campaign committee to amend its disclosure reports to show that \$2,781.26 advanced by Dr. Thomas McDevitt was a contribution.

By way of explanation (so that the enclosed reports can be more readily understood), the \$2,781.26 contribution is comprised of three in-kind contributions: (i) March 24, 1990 in-kind contribution of \$1,286.23; (ii) June 1, 1990 in-kind contribution of \$1,174.32, and (iii) in-kind contributions, exact date unknown, of \$320.69. The first two contributions have been reported, along with offsetting disbursements (noted as "in kind received") in the reports for the applicable

95043035346

SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.

Clerk of the House
Attn: FEC Reports Analysis
January 23, 1995
Page 2

reporting periods (items 1 and 2). We know that the remaining in-kind contribution was made before the general election, but despite best efforts, the exact date is not known. It was therefore deemed most appropriate to report the contribution and disbursement in the last report filed before the election (item 4).

The remaining amended reports (items 3 and 5) are filed for the single purpose of correcting the calendar year-to-date totals to correspond with the above-described reports. The reporting for the period covered by those reports is not amended.

Lastly, item 6 reports certain contributions, refunds, and reimbursements required to comply with the requirements of paragraphs VI.2 and VI.3 of the above-referenced conciliation agreement.

Please contact me, as attorney for the McDevitt for Congress campaign committee and its treasurer, if you have any questions about this letter or the enclosed reports.

Very truly yours,



Jonathan I. Feil

JIF:s

Enclosures

cc: McDevitt for Congress

FEC General Counsel

LACMCDET01CLERKLTR

95043635347

REPORT OF RECEIPTS AND DISBURSEMENTS

REGISTERED

For An Authorized Committee
(Summary Page)

JAN 23 1995

RECEIVED
OFFICE OF RECORDS & COMMUNICATIONS

95 JAN 27 AM 9:47

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

133558

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
McDevitt for Congress

ADDRESS (number and street) Check if different than previously reported.
237 S 7th Ave.

CITY, STATE and ZIP CODE **Pocatello, ID 83201** STATE/DISTRICT **ID/02**

2. FEC IDENTIFICATION NUMBER
C 00241257

3. IS THIS REPORT AN AMENDMENT?
 YES NO

4. TYPE OF REPORT

April 15 Quarterly Report

Twelfth day report preceding General
(Type of Election)
election on NOV. 6, 1990 in the State of Idaho

July 15 Quarterly Report

October 15 Quarterly Report

Thirtieth day report following the General Election on _____
in the State of _____

January 31 Year End Report

July 31 Mid-Year Report (Non-election Year Only) 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 <u>10/1/90</u> through <u>10/17/90</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a))	5,658.00	40,909.26
(b) Total Contribution Refunds (from Line 20(d))	--	
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	5,658.00	40,909.26
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	29,859.73	90,478.87
(b) Total Offsets to Operating Expenditures (from Line 14)	--	317.46
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	29,859.73	90,161.41
8. Cash on Hand at Close of Reporting Period (from Line 27)	10,447.83	
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)	60,000.00	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

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
Bruna M. McDevitt

Signature of Treasurer *Bruna M. McDevitt* ✓ Date **Jan. 23, 1995**

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

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FEC FORM 3
(revised 4/87)

95043635348

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3)

Name of Committee (in full)	Report Covering the Period:	
McDevitt for Congress	From: 10/1/90	To: 10/17/90
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)	---	
(ii) Unitemized	2,658.00	
(iii) Total of contributions from individuals	2,658.00	32,999.26
(b) Political Party Committees	3,000.00	3,510.00
(c) Other Political Committees (such as PACs)	---	1,400.00
(d) The Candidate	---	3,000.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	5,658.00	40,909.26
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	---	---
13. LOANS:		
(a) Made or Guaranteed by the Candidate	---	30,000.00
(b) All Other Loans	30,000.00	30,000.00
(c) TOTAL LOANS (add 13(a) and (b))	30,000.00	60,000.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	---	317.46
15. OTHER RECEIPTS (Dividends, Interest, etc.)	---	---
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	35,658.00	101,226.72
II. DISBURSEMENTS		
17. OPERATING EXPENDITURES	29,859.73	90,478.87
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	---	---
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate	---	---
(b) Of All Other Loans	---	---
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	---	---
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)	29,857.73	90,478.87

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$ 4,949.56	23
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$ 35,658.00	24
25. SUBTOTAL (add Line 23 and Line 24)	\$ 40,307.56	25
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$ 29,859.73	26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$ 10,447.83	27

FOOTNOTES

95043635349

✓ REGISTERED

RECEIVED
OFFICE OF RECORDS & REGISTRATION

95 JAN 27 AM 9:46

JAN 23 1995

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

ATTORNEYS AT LAW
2525 FIRST INTERSTATE CENTER
899 THIRD AVENUE
SEATTLE, WASHINGTON 98104-4089
(206) 382-2800

TELEX: 373771
FACSIMILE: (206) 323-3989

MARK V. JORDAN

January 23, 1995

BY CERTIFIED MAIL

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

ATTN: FEC Reports Analysis

133558

Re: McDevitt for Congress (FEC Identification Number C 00241257)

Dear Clerk:

Enclosed for filing, on behalf of McDevitt for Congress (FEC Identification Number C 00241257), are the following Reports of Receipts and Disbursements:

Item	Description
1	Amended April 15 Quarterly Report (1/1/90 - 3/31/90)
2	Amended July 15 Quarterly Report (5/3/90 - 6/30/90)
3	Amended October 15 Quarterly Report (7/1/90 - 9/30/90)
4	Amended Twelfth Day Report Preceding November 6, 1990 General Election (10/1/90 - 10/17/90)
5	Amended Thirtieth Day Report Following November 6, 1990 General Election (10/18/90 - 11/29/90)
6	January 31 Year End Report - Non-Election Year (7/1/94 - 12/31/94)

The Amended Reports (items 1 - 4) are submitted for the purpose of complying with Paragraph VI.4 of the Conciliation Agreement in McDevitt for Congress (MUR 3164). That provision requires the McDevitt for Congress campaign committee to amend its disclosure reports to show that \$2,781.26 advanced by Dr. Thomas McDevitt was a contribution.

By way of explanation (so that the enclosed reports can be more readily understood), the \$2,781.26 contribution is comprised of three in-kind contributions: (i) March 24, 1990 in-kind contribution of \$1,286.23; (ii) June 1, 1990 in-kind contribution of \$1,174.32, and (iii) in-kind contributions, exact date unknown, of \$320.69. The first two contributions have been reported, along with offsetting disbursements (noted as "in kind received") in the reports for the applicable

95043635350

SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.

Clerk of the House
Attn: FEC Reports Analysis
January 23, 1995
Page 2

reporting periods (items 1 and 2). We know that the remaining in-kind contribution was made before the general election, but despite best efforts, the exact date is not known. It was therefore deemed most appropriate to report the contribution and disbursement in the last report filed before the election (item 4).

The remaining amended reports (items 3 and 5) are filed for the single purpose of correcting the calendar year-to-date totals to correspond with the above-described reports. The reporting for the period covered by those reports is not amended.

Lastly, item 6 reports certain contributions, refunds, and reimbursements required to comply with the requirements of paragraphs VI.2 and VI.3 of the above-referenced conciliation agreement.

Please contact me, as attorney for the McDevitt for Congress campaign committee and its treasurer, if you have any questions about this letter or the enclosed reports.

Very truly yours,


Jonathan I. Feil

JIF:s
Enclosures
cc: McDevitt for Congress
FEC General Counsel
LACMCDETWICLERKLTR

95043635351

REPORT OF RECEIPTS AND DISBURSEMENTS

REGISTERED

For An Authorized Committee
(Summary Page)

JAN 23 1995

RECEIVED
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

95 JAN 27 AM 9:47

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
McDevitt for Congress

ADDRESS (number and street) Check if different than previously reported.
237 S 7th Ave.

CITY, STATE and ZIP CODE STATE/DISTRICT
Pocatello, ID 83201 ID/02

2. FEC IDENTIFICATION NUMBER
C 00241257

3. IS THIS REPORT AN AMENDMENT?
 YES NO

133558

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 **Nov. 6** in the State of **Idaho**
- Termination Report

This report contains activity for Primary Election General Election Special Election Runoff Election

SUMMARY

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
<u>10/18/90</u> through <u>11/29/90</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a))	42,196.25	83,105.51
(b) Total Contribution Refunds (from Line 20(d))	278,226	2,781.26
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	42,196.25	80,324.25
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	19,354.80	109,833.67
(b) Total Offsets to Operating Expenditures (from Line 14)	223.03	540.49
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	19,131.77	109,293.18 106,511.92
8. Cash on Hand at Close of Reporting Period (from Line 27)	731.05	
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)	30,000.00	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

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
Bruna M. McDevitt

Signature of Treasurer *Bruna M. McDevitt* ✓ Date
Jan. 23, 1995

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

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FEC FORM 3
(revised 4/87)

95043635352

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

Name of Committee (in full) **McDevitt for Congress** Report Covering the Period:
From: **10/18/90** To: **11/29/90**

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)		5,000.00		11(a)(i)
(ii) Unitemized		7,641.00		11(a)(ii)
(iii) Total of contributions from individuals		12,641.00	45,640.26	11(a)(iii)
(b) Political Party Committees		1,000.00	14,510.00	11(b)
(c) Other Political Committees (such as PACs)		500.00	1,900.00	11(c)
(d) The Candidate		28,055.25	31,055.25	11(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))		42,196.25	83,105.51	11(e)
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES				
		--	--	12
13. LOANS:				
(a) Made or Guaranteed by the Candidate		--	30,000.00	13(a)
(b) All Other Loans		--	30,000.00	13(b)
(c) TOTAL LOANS (add 13(a) and (b))		--	60,000.00	13(c)
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)				
		223.03	540.49	14
15. OTHER RECEIPTS (Dividends, Interest, etc.)				
		--	--	15
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)				
		42,419.28	143,646.00	16
II. DISBURSEMENTS				
17. OPERATING EXPENDITURES				
		19,354.80	107,055.41 107,055.41	17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES				
		-0-	-0-	18
19. LOAN REPAYMENTS:				
(a) Of Loans Made or Guaranteed by the Candidate		-0-	-0-	19(a)
(b) Of All Other Loans		30,000.00	30,000.00	19(b)
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))		30,000.00	30,000.00	19(c)
20. REFUNDS OF CONTRIBUTIONS TO:				
(a) Individuals/Persons Other Than Political Committees		2,781.26	2,781.26	20(a)
(b) Political Party Committees		-0-	-0-	20(b)
(c) Other Political Committees (such as PACs)		-0-	-0-	20(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))		2,781.26	2,781.26	20(d)
21. OTHER DISBURSEMENTS				
		-0-	-0-	21
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)				
		52,136.06	139,833.67 142,614.93	22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$ 10,447.83	23
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$ 42,419.28	24
25. SUBTOTAL (add Line 23 and Line 24)	\$ 52,667.11	25
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$ 52,136.06	26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$ 731.05	27

95043635353

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate sheets for each category of the Detailed Summary Page
 OF
 3
 FOR LINE NUMBER
 17

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

NAME OF COMMITTEE IN FULL
 McDevitt for Congress

9 0 0 1 A 2 1 7 8 1 3

Amended 1/23/95

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
KYFI-Radio Box 2820 Twin Falls, ID 83303	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	170.00
KVSI-Radio Box 140 Montpelier, ID 83254	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	140.00
KWIK-Radio Box 998 Pocatello, ID 83202	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	825.00
KIBQ-Radio Box 97 Pocatello, ID 83204	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	475.15
KZDK-Radio 1841 W. Main Burley, ID 83318	advertising Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/18/90	418.20
Postmaster Pocatello, ID 83201	Postage Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/23/90 10/29/90	300.00 100.00
Little Red Hen Pocatello, ID	Rent Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/1/90 11.19/90	2,900.00 2210.41
Mountain Bell	Telephone Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Nov 1	664.10
XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX	XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX

SUBTOTAL of Disbursements This Page (optional) 8202.86
 TOTAL This Period (last page this line number only)

SCHEDULE B

ITEMIZED DISBURSEMENTS

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

PAGE 1 OF 1

FOR LINE NUMBER 20 (a)

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

NAME OF COMMITTEE (In Full)

McDevitt for Congress

95043635355

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Tom and Bruna McDevitt 237 S 7th Ave. Pocatello, ID 83201	Refund of contribution 3/24, 6/1 and various Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	11/6/90	2,781.26
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

SUBTOTAL of Disbursements This Page (optional)	2,781.26
TOTAL This Period (last page this line number only)	2,781.26

✓ REGISTERED

RECEIVED
OFFICE OF RECORDS & REGISTRATION

JAN 23 1995

95 JAN 27 AM 9:46

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

MARK V. JORDAN

ATTORNEYS AT LAW
888 FIRST INTERSTATE CENTER
800 THIRD AVENUE
SEATTLE, WASHINGTON 98104-4089
(206) 382-2600

TELEX: 373717
FACSIMILE: (206) 382-2600

January 23, 1995

BY CERTIFIED MAIL

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

ATTN: FEC Reports Analysis

133558

Re: McDevitt for Congress (FEC Identification Number C 00241257)

Dear Clerk:

Enclosed for filing, on behalf of McDevitt for Congress (FEC Identification Number C 00241257), are the following Reports of Receipts and Disbursements:

Item	Description
1	Amended April 15 Quarterly Report (1/1/90 - 3/31/90)
2	Amended July 15 Quarterly Report (5/3/90 - 6/30/90)
3	Amended October 15 Quarterly Report (7/1/90 - 9/30/90)
4	Amended Twelfth Day Report Preceding November 6, 1990 General Election (10/1/90 - 10/17/90)
5	Amended Thirtieth Day Report Following November 6, 1990 General Election (10/18/90 - 11/29/90)
6 ✓	January 31 Year End Report - Non-Election Year (7/1/94 - 12/31/94).

The Amended Reports (items 1 - 4) are submitted for the purpose of complying with Paragraph VI.4 of the Conciliation Agreement in McDevitt for Congress (MUR 3164). That provision requires the McDevitt for Congress campaign committee to amend its disclosure reports to show that \$2,781.26 advanced by Dr. Thomas McDevitt was a contribution.

By way of explanation (so that the enclosed reports can be more readily understood), the \$2,781.26 contribution is comprised of three in-kind contributions: (i) March 24, 1990 in-kind contribution of \$1,286.23; (ii) June 1, 1990 in-kind contribution of \$1,174.32, and (iii) in-kind contributions, exact date unknown, of \$320.69. The first two contributions have been reported, along with offsetting disbursements (noted as "in kind received") in the reports for the applicable

95043635356

SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.

Clerk of the House
Attn: FEC Reports Analysis
January 23, 1995
Page 2

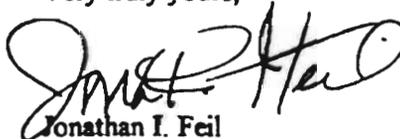
reporting periods (items 1 and 2). We know that the remaining in-kind contribution was made before the general election, but despite best efforts, the exact date is not known. It was therefore deemed most appropriate to report the contribution and disbursement in the last report filed before the election (item 4).

The remaining amended reports (items 3 and 5) are filed for the single purpose of correcting the calendar year-to-date totals to correspond with the above-described reports. The reporting for the period covered by those reports is not amended.

Lastly, item 6 reports certain contributions, refunds, and reimbursements required to comply with the requirements of paragraphs VI.2 and VI.3 of the above-referenced conciliation agreement.

Please contact me, as attorney for the McDevitt for Congress campaign committee and its treasurer, if you have any questions about this letter or the enclosed reports.

Very truly yours,



Jonathan I. Feil

JIF:s
Enclosures
cc: McDevitt for Congress
FEC General Counsel
L3CMCDET@ICLERK.LTR

9 5 0 4 3 6 3 5 5 7

REPORT OF RECEIPTS AND DISBURSEMENTS
REGISTERED For An Authorized Committee
 (Summary Page) **JAN 23 1995**

RECEIVED
 OFFICE OF THE CLERK
 U.S. HOUSE OF REPRESENTATIVES
 95 JAN 27 AM 9:48
 133558

USE FEC MAILING LABEL
 OR
 TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
McDevitt for Congress

ADDRESS (number and street) Check if different than previously reported.
237 S 7th Ave

CITY, STATE and ZIP CODE STATE/DISTRICT
Pocatello, ID 83201 ID/02

2. FEC IDENTIFICATION NUMBER
C 00241257

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

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
7/1/94 through 12/31/94		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	5,620.91	5,620.91
(b) Total Contribution Refunds (from Line 20(d))	3,400.00	3,400.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	2,220.91	2,220.91
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	2,220.91	2,220.91
(b) Total Offsets to Operating Expenditures (from Line 14)	--	--
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	2,220.91	2,220.91
8. Cash on Hand at Close of Reporting Period (from Line 27)	-0-	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-219-3420
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	-0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	-0-	

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

Type or Print Name of Treasurer:
Bruna M. McDevitt

Signature of Treasurer: *Bruna M. McDevitt* ✓ Date: **Jan. 23, 1995**

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

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FEC FORM 3
 (revised 4/87)

95043635358

DETAILED SUMMARY PAGE

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

Name of Committee (in full) McDevitt for Congress	Report Covering the Period:	
	From: 7/1/94	To: 12/31/94
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)	--	
(ii) Unitemized	--	
(iii) Total of contributions from individuals	--	
(b) Political Party Committees	--	--
(c) Other Political Committees (such as PACs)	--	--
(d) The Candidate	5,620.91	5,620.91
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	5,620.91	5,620.91
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	--	--
13. LOANS:		
(a) Made or Guaranteed by the Candidate	--	--
(b) All Other Loans	--	--
(c) TOTAL LOANS (add 13(a) and (b))	--	--
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	--	--
15. OTHER RECEIPTS (Dividends, Interest, etc.)	--	--
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	5,620.91	5,620.91
II. DISBURSEMENTS		
17. OPERATING EXPENDITURES	2,220.91	2,220.91
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	--	--
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate	--	--
(b) Of All Other Loans	--	--
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	--	--
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	3,400.00	3,400.00
(b) Political Party Committees	--	--
(c) Other Political Committees (such as PACs)	--	--
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	3,400.00	3,400.00
21. OTHER DISBURSEMENTS	--	--
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	5,620.91	5,620.91
III. CASH SUMMARY		
23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$ -0-	
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$ 5,620.91	
25. SUBTOTAL (add Line 23 and Line 24)	\$ 5,620.91	
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$ 5,620.91	
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$ -0-	

95043635359

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

NAME OF COMMITTEE (In Full)

McDevitt for Congress

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Sean McDevitt 944 HBS Student Mail Center Boston, MA 02163-7180		12/29/94	5,620.91
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation: Student	Aggregate Year-to-Date > \$ 5,620.91	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date > \$	

SUBTOTAL of Receipts This Page (optional) 5,620.91

TOTAL This Period (last page this line number only) 5,620.91

95043635360

SCHEDULE B

ITEMIZED DISBURSEMENTS

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

PAGE 1 OF 1

FOR LINE NUMBER 17

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

NAME OF COMMITTEE (In Full)

McDevitt for Congress

95043635361

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Reimbursement per Conciliation Agreement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
Little Red Hen, Inc. Pocatello, ID		12/29/94	2,220.91
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	2,220.91
TOTAL This Period (last page this line number only)	2,220.91

SCHEDULE B

ITEMIZED DISBURSEMENTS

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

PAGE 1 OF 1
FOR LINE NUMBER 20

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

NAME OF COMMITTEE (in Full)

McDevitt for Congress

95043635362

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Refund contribution per Conciliation Agreement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
Tom and Bruna McDevitt 237 S 7th Ave. Pocatello, ID 83201		12/29/94	3,400.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

3,400.00

TOTAL This Period (last page this line number only)

3,400.00

REGISTERED

RECEIVED
OFFICE OF RECORDS & REGISTRATION

JAN 23 1995

95 JAN 27 AM 9 46

**SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.**

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

ATTORNEYS AT LAW

888 FIRST INTERSTATE CENTER

999 THIRD AVENUE

SEATTLE, WASHINGTON 98104-4089

(206) 382-2600

TELEPHONE: 3737171

FACSIMILE: (206) 223-3989

JONATHAN I. FEIL
DAVID E. KETTER
GEORGE A. PURDY
KENNETH A. SHEPPARD
MELVYN JAY SIMBURG

MARK V. JORDAN

January 23, 1995

BY CERTIFIED MAIL

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

ATTN: FEC Reports Analysis

133558

Re: McDevitt for Congress (FEC Identification Number C 00241257)

Dear Clerk:

Enclosed for filing, on behalf of McDevitt for Congress (FEC Identification Number C 00241257), are the following Reports of Receipts and Disbursements:

<u>Item</u>	<u>Description</u>
1	Amended April 15 Quarterly Report (1/1/90 - 3/31/90)
2	Amended July 15 Quarterly Report (5/3/90 - 6/30/90)
3	Amended October 15 Quarterly Report (7/1/90 - 9/30/90)
4	Amended Twelfth Day Report Preceding November 6, 1990 General Election (10/1/90 - 10/17/90)
5	Amended Thirtieth Day Report Following November 6, 1990 General Election (10/18/90 - 11/29/90)
6	January 31 Year End Report -- Non-Election Year (7/1/94 - 12/31/94).

The Amended Reports (items 1 - 4) are submitted for the purpose of complying with Paragraph VI.4 of the Conciliation Agreement in McDevitt for Congress (MUR 3164). That provision requires the McDevitt for Congress campaign committee to amend its disclosure reports to show that \$2,781.26 advanced by Dr. Thomas McDevitt was a contribution.

By way of explanation (so that the enclosed reports can be more readily understood), the \$2,781.26 contribution is comprised of three in-kind contributions: (i) March 24, 1990 in-kind contribution of \$1,286.23; (ii) June 1, 1990 in-kind contribution of \$1,174.32, and (iii) in-kind contributions, exact date unknown, of \$320.69. The first two contributions have been reported, along with offsetting disbursements (noted as "in kind received") in the reports for the applicable

950436353

SIMBURG, KETTER, SHEPPARD
& PURDY, P.S.

Clerk of the House
Attn: FEC Reports Analysis
January 23, 1995
Page 2

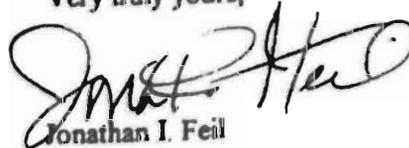
reporting periods (items 1 and 2). We know that the remaining in-kind contribution was made before the general election, but despite best efforts, the exact date is not known. It was therefore deemed most appropriate to report the contribution and disbursement in the last report filed before the election (item 4).

The remaining amended reports (items 3 and 5) are filed for the single purpose of correcting the calendar year-to-date totals to correspond with the above-described reports. The reporting for the period covered by those reports is not amended.

Lastly, item 6 reports certain contributions, refunds, and reimbursements required to comply with the requirements of paragraphs VI.2 and VI.3 of the above-referenced conciliation agreement.

Please contact me, as attorney for the McDevitt for Congress campaign committee and its treasurer, if you have any questions about this letter or the enclosed reports.

Very truly yours,



Jonathan I. Feil

JIF:s

Enclosures

cc: McDevitt for Congress

FEC General Counsel

L:\CMC\DET\01\CLERK.LTR

95043635364

REPORT OF RECEIPTS AND DISBURSEMENTS

JAN 23 1995

For An Authorized Committee
(Summary Page)

REGISTERED

95 JAN 27 1995

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
McDevitt for Congress

ADDRESS (number and street) Check if different than previously reported.
237 S 7th Ave.

CITY, STATE and ZIP CODE
Pocatello, ID 83201

STATE/DISTRICT
ID/02

2. FEC IDENTIFICATION NUMBER
C 00241257

3. IS THIS REPORT AN AMENDMENT?
 YES NO

13558

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

5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
1/1/90 through 3/31/90		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a))	2,149.25	2,149.25
(b) Total Contribution Refunds (from Line 20(d))	-0-	-0-
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	2,149.25	2,149.25
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	12,219.62	12,219.62
(b) Total Offsets to Operating Expenditures (from Line 14)	-0-	-0-
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	12,219.62	12,219.62
8. Cash on Hand at Close of Reporting Period (from Line 27)	8,850.37	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	-0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	20,000.00	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-218-3420

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
Brisna M. McDevitt

Signature of Treasurer *Brisna M. McDevitt* ✓

Date
Jan. 23, 1995

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

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FEC FORM 3
(revised 4/87)

95043635365

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2, FEC FORM 3)

Name of Committee (in full) **McDevitt for Congress** Report Covering the Period:
 From: **1/1/90** To: **3/31/90**

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)	1,536.25		11(a)(i)
(ii) Unitemized	513.00		11(a)(ii)
(iii) Total of contributions from individuals	2,049.25	2,049.25	11(a)(iii)
(b) Political Party Committees	-0-		11(b)
(c) Other Political Committees (such as PACs)	-0-		11(c)
(d) The Candidate	100.00	100.00	11(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a)(iii), (b), (c) and (d))	2,149.25	2,149.25	11(e)
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	-0-	-0-	12
13. LOANS:			
(a) Made or Guaranteed by the Candidate	20,000.00	20,000.00	13(a)
(b) All Other Loans	-0-	-0-	13(b)
(c) TOTAL LOANS (add 13(a) and (b))	20,000.00	20,000.00	13(c)
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	--	--	14
15. OTHER RECEIPTS (Dividends, Interest, etc.)	--	--	15
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)	22,149.25	22,149.25	16
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	12,219.62	12,219.62	17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	--	--	18
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate	--	--	19(a)
(b) Of All Other Loans	--	--	19(b)
(c) TOTAL LOAN REPAYMENTS (add 19(a) and (b))	--	--	19(c)
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	--	--	20(a)
(b) Political Party Committees	--	--	20(b)
(c) Other Political Committees (such as PACs)	--	--	20(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20(a), (b) and (c))	--	--	20(d)
21. OTHER DISBURSEMENTS	--	--	21
22. TOTAL DISBURSEMENTS (add 17, 18, 19(c), 20(d) and 21)	12,219.62	12,219.62	22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$ -0-	
24. TOTAL RECEIPTS THIS PERIOD (from Line 16)	\$ 22,149.25	
25. SUBTOTAL (add Line 23 and Line 24)	\$ 22,149.25	
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	\$ 12,219.62	
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (subtract Line 26 from 25)	\$ 9,929.63	

95043635366

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

NAME OF COMMITTEE (In Full)

McDevitt for Congress

A. Full Name, Mailing Address and ZIP Code Tom and Bruna McDevitt 237 S 7th Ave. Pocatello, ID 83201.	Name of Employer Self Occupation Physician/Housewife	Date (month, day, year) 3/24/90	Amount of Each Receipt this Period 1,286.25 (in kind)
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General, <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date > \$ 1,286.25	
B. Full Name, Mailing Address and ZIP Code		Name of Employer	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General, <input type="checkbox"/> Other (specify):		Date (month, day, year)	
C. Full Name, Mailing Address and ZIP Code		Occupation	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General, <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date > \$	
D. Full Name, Mailing Address and ZIP Code		Name of Employer	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General, <input type="checkbox"/> Other (specify):		Date (month, day, year)	
E. Full Name, Mailing Address and ZIP Code		Occupation	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General, <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date > \$	
F. Full Name, Mailing Address and ZIP Code		Name of Employer	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General, <input type="checkbox"/> Other (specify):		Date (month, day, year)	
G. Full Name, Mailing Address and ZIP Code		Occupation	
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General, <input type="checkbox"/> Other (specify):		Aggregate Year-to-Date > \$	

SUBTOTAL of Receipts This Page (optional)

1,286.25

TOTAL This Period (last page this line number only)

1,536.25

95043635367

SCHEDULE B

ITEMIZED DISBURSEMENTS

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

PAGE 1 OF 1
FOR LINE NUMBER 17

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

NAME OF COMMITTEE (in Full)

McDevitt for Congress

95043635368

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Tom and Bruna McDevitt 237 S 7th Ave. Pocatello, ID 83201	Advertising (caps, tee-shirts) Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3/24/90	1,286.25 (in kind received)
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)	1,286.23
TOTAL This Period (last page this line number only)	



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 9/6/95
9/8/95

 Microfilm
 Public Records
 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 3164

95043684379

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Thomas J. McDevitt, M.D.
237 South Seventh Ave.
Pocatello, Idaho 83201

SEP 6 2 12 PM '95

September 1, 1995

CLOSED

Hon. Thomas Potter
Director
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Dear Mr. Potter,

December 30, 1994 we received notification of a valid termination report for the McDevitt for Congress Committee (1990). ID C00241257. In addition, at the same time, regarding ~~NR~~ 3164, we submitted a signed conciliation agreement, payment for the penalty and evidence of full compliance of the agreement. About that time, information concerning the agreement and the termination appeared in the state newspapers who made a big whoop-dee-do about it.

However, as of this date, we have not received a copy of the agreement signed "for the commission." If this matter is closed, I would appreciate a copy of the agreement as signed by both parties. If the matter is not closed, then please let me know what must further be done by the McDevitt for Congress Committee.

Respectfully,

Thomas J. McDevitt

Thomas J. McDevitt, M.D.

95043684300



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 8, 1995

Thomas J. McDevitt, M.D.
237 South Seventh Avenue
Pocatello, Idaho 83201

RE: MUR 3164

Dear Dr. McDevitt:

As requested in your letter dated September 1, 1995, enclosed is a copy of the executed conciliation agreement that the Commission accepted in settlement of the above-referenced matter. A copy of this conciliation agreement was previously provided to Jonathan Feil, Esq., the last counsel of record who represented you during the time that MUR 3164 was pending before the Commission.

Should you have any questions, please do not hesitate to contact me at (202) 219-3690.

Sincerely,

Craig D. Reffner
Staff Attorney

Enclosure

cc: Jonathan Feil, Esq.

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