FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 3175

DATE FILMED 5-25-91 CAMERA NO. 2

CAMERAMAN JMH

9403097437 8

OGC 8649

MUR 3175

BEFORE THE
FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 NOV 16 PM 1:49

9403097437 9

CENTER FOR RESPONSIVE POLITICS 1320 19th Street N.W. Washington, D.C. 20036 (202) 857-0044, v. **Complainant,** Mary C. Bingham Glenview, Kentucky **Respondent.**	COMPLAINT

COMPLAINT OF CENTER FOR RESPONSIVE POLITICS

1. This complaint charges that the respondent has violated the Federal Election Campaign Act, 2 U.S.C. § 431 et seq., as amended ("FECA"), by making aggregate contributions in excess of the limits provided by the FECA.

PARTIES

2. Complainant Center for Responsive Politics is a nonprofit, nonpartisan research group incorporated in the State of Iowa and headquartered in Washington D.C. that studies Congress and related issues.

Founded in 1983, it was designed to study Congress and examine potential reforms that could improve both its internal operation and its responsiveness to the American public. Money in politics has been one of its chief areas of study.

3. The respondent is an individual contributor to various political committees.

APPLICABLE STATUTES AND REGULATIONS

4. The FECA limits contributions, by any one person, to an aggregate total of $25,000 per calendar year. Contributions to a candidate made in a year other than the calendar year of the election with respect to which the contribution is made are considered to be made during the calendar year in which such election is held. 2 U.S.C. § 441a(a)(3); 11 C.F.R. § 110.5.

5. The FECA limits to $20,000 aggregate contributions per calendar year by any one person to each political committee that is established and maintained by a national political party, and which is not the authorized political committee of any candidate. Contributions to national party committees include contributions to national House campaign committees and national Senate campaign committees. 2 U.S.C § 441a(a)(1)(B); 11 C.F.R. § 110.1(c).

9 4 0 3 0 9 7 4 3 8 0

GROUNDS FOR COMPLAINT

6. FEC records show that on the following dates, the following amounts were contributed by the respondent in 1990 or in 1989 to candidates whose elections were held in 1990. Attached as Exhibit 1 are copies of the FEC records of the respondent's contributions in 1989 and 1990. Attached as Exhibit 2 are copies of the FEC's records of all contributions received by the DNC Service Corporation/Democratic National Committee for the period covering 10/1/90 to 10/17/90. Attached as Exhibit 3 are copies of the FEC's records of all contributions received by the Sloane for Senate Committee covering the period of 7/1/88 to 12/31/88. All exhibits reflect the records on file at the FEC as of November 15, 1990.

Sloane for Senate Committee	8 July 1988	$2,000
Friends of Senator Carl Levin	28 Nov. 1989	$1,000
Friends of Senator Carl Levin	28 Nov. 1989	$1,000
Bill Bradley for US Senate '90	30 Nov. 1989	$1,000
Bill Bradley for US Senate '90	30 Nov. 1989	$1,000
Friends of Senator Rockefeller	5 Dec. 1989	$500
Democrats for the 90's	22 Feb. 1990	$5,000
Friends of Senator Rockefeller	16 April 1990	$500
Friends of Senator Rockefeller	16 April 1990	$500
Democratic Senatorial Campaign Comm.	27 June 1990	$20,000
Friends of Senator Carl Levin	13 Sept. 1990	— $100*
Ky. State Democratic Central Exec. Comm.	17 Sept. 1990	$5,000

9403097438 1

Democratic Senatorial Campaign Comm.	23 Aug. 1990	$300
DNC Service Corporation/DNC	11 Oct. 1990	$20,000
1990 Total		**$57,700**

* This reflects a refund

7. On information and belief, respondent Mary C. Bingham made total contributions attributed to the 1990 calendar year in the amount of $57,700. These contributions exceeded by $32,700 the $25,000 limit imposed by FECA on all contributions by any person in a calendar year.

8. On information and belief, respondent Mary C. Bingham made contributions to the Democratic Senatorial Campaign Committee of $20,300 in 1990. These contributions exceed by $300 the $20,000 limit imposed by FECA on contributions to any national party committee in a calendar year.

9. FEC records show that on the following dates the following amounts were contributed by the respondent in 1988. Attached as Exhibit 4 are copies of the FEC's records, as of November 15, 1990, of contributions made by the respondent in 1988.

R.L. Mazzoli Campaign Fund	31 Mar. 1988	$500
R.L. Mazzoli Campaign Fund	27 May 1988	$1,000
Albert Gore Jr. For Pres. Comm. Inc.	13 July 1988	$500
Albert Gore Jr. For Pres. Comm. Inc.	29 July 1988	$500
DNC Services Corporation/DNC†	15 Sept. 1988	$1,000

9 4 0 3 0 9 7 4 3 8 2

Democratic Congressional Campaign Com.	26 Sept. 1988	$2,000
Ky. State Dem. Central Exec. Com.	1 Oct. 1988	$5,000
DNC Services Corporation/DNC	3 Oct. 1988	$20,000
1988 Total		**$30,500**

† This contribution was recorded in the name of "Mr. M C Binghan Glenview, Ky 40025" (sic).

10. On information and belief, respondent Mary C. Bingham made total contributions in the 1988 calendar year in the amount of $30,500. These contributions exceed by $5,500 the $25,000 limit imposed by FECA on all contributions by any person in a calendar year.

11. On information and belief, respondent Mary C. Bingham made contributions in 1988 to the DNC Services Corporation/DNC Committee of $21,000. These contributions exceed by $1,000 the $20,000 limit imposed by FECA on contributions to any national party committee in a year.

RELIEF

12. The Center for Responsive Politics respectfully urges the Commission to conduct a prompt and thorough investigation into the allegations in this Complaint, and to declare that the Respondent have violated the FECA and Commission regulations.

9 4 0 3 0 9 7 4 3 8 3

Respectfully submitted,

Ellen S. Miller

Ellen S. Miller
Executive Director
CENTER FOR RESPONSIVE POLITICS
1320 19th Street, N.W.
Washington, D.C. 20036
(202) 857-0044

Date: November 16, 1990

9403097438 4

VERIFICATION

The undersigned complainant, on behalf of the Center for Responsive Politics, swears that the statements in this Complaint are based on the sources indicated, and, as such, are true and correct to the best of her information and belief.

Ellen S. Miller

Ellen S. Miller

District of Columbia)
) ss

Subscribed and sworn to before me this 16th day of November, 1990

Notary Public

My Commission Expires: My commission expires April 14, 1992

9 4 0 3 0 9 7 4 3 8 5

FEDERAL ELECTION COMMISSION DATE 15NOV90

SELECTED LIST OF RECEIPTS & EXPENDITURES (89-90) PAGE 1
USER SELECTED ITEMIZED TRANSACTIONS

CONTRIBUTOR/LENDER/TRANSFERER REPORTING ENTITY MICROFILM LOCATION TRANSACTION TYPE	STREET ADDRESS	CITY	STATE ZIP REPORT TYPE	TYPE OF FILER DATE	ELECTION	AMOUNT
[illegible]GHAM, MARY [illegible]RIENDS OF SENATOR CARL LEVIN [illegible] 90SEN/016/1811 #613670 CONTRIBUTION REF TO INDIVIDUAL		GLENVIEW	KY 40025 OCTOBER QUARTERLY	13SEP90	GENERAL	100-
BINGHAM, MARY C BILL BRADLEY FOR U S SENATE '90 90SEN/004/1868 #312941 CONTRIBUTION		GLENVIEW	KY 40025 YEAR-END	30NOV89	PRIMARY	1,000
BINGHAM, MARY C BILL BRADLEY FOR U S SENATE '90 90SEN/004/1868 #312942 CONTRIBUTION		GLENVIEW	KY 40025 YEAR-END	30NOV89	GENERAL	1,000
BINGHAM, MARY C FRIENDS OF SENATOR ROCKEFELLER 90SEN/009/0688 #376870 CONTRIBUTION		GLENVIEW INVESTOR	KY 40025 PRE-PRIMARY	16APR90	PRIMARY	500
BINGHAM, MARY C FRIENDS OF SENATOR ROCKEFELLER 90SEN/009/0688 #376871 CONTRIBUTION		GLENVIEW INVESTOR	KY 40025 PRE-PRIMARY	16APR90	GENERAL	500
BINGHAM, MARY C MRS FRIENDS OF SENATOR CARL LEVIN 90SEN/001/1132 #214112 CONTRIBUTION		GLENVIEW HOMEMAKER	KY 40025 YEAR-END	27NOV89	PRIMARY	1,000
[illegible]INGHAM, MARY C MRS [illegible]RIENDS OF SENATOR CARL LEVIN [illegible] 90SEN/001/1132 #214113 CONTRIBUTION		GLENVIEW HOMEMAKER	KY 40025 YEAR-END	27NOV89	GENERAL	1,000
BINGHAM, MARY C MRS FRIENDS OF SENATOR ROCKEFELLER 90SEN/003/0175 #299770 CONTRIBUTION		GLENVIEW INVESTOR	KY 40025 YEAR-END	5DEC89	PRIMARY	500

NOTICE: THE DOCUMENTS LISTED ABOVE ARE AVAILABLE [illegible] REPORTS OR STATEMENTS MAY NOT BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR COMMERCIAL [illegible] TO SOLICIT CONTRIBUTIONS FROM SUCH COMMITTEE [illegible] FOLD SEPARATE

Attachment 1

9403097438 6

FEDERAL ELECTION COMMISSION DATE 15NOV90

SELECTED LIST OF RECEIPTS & EXPENDITURES (89-90) PAGE 1
USER SELECTED ITEMIZED TRANSACTIONS

CONTRIBUTOR/LENDER/TRANSFERER REPORTING ENTITY MICROFILM LOCATION	STREET ADDRESS TRANSACTION TYPE	CITY	STATE ZIP REPORT TYPE	TYPE OF FILER DATE	ELECTION	AMOUNT
BINGHAM, MARY C DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE 90SEN/013/1457 #485650	CONTRIBUTION	GLENVIEW RETIRED	KY 40025 JULY MONTHLY	27JUN90	PRIMARY	20,000
BINGHAM, MARY C DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE 90SEN/015/2915 #560873	CONTRIBUTION	GLENVIEW RETIRED	KY 40025 SEPTEMBER MONTHLY	23AUG90	PRIMARY	300

Attachment 1 continued

NOTICE: THE DOCUMENTS LISTED ABOVE ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE FEC. ANY INFORMATION COPIED FROM SUCH REPORTS OR 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." 2 U.S.C. §438(a)(4)

9403097 4387

FEDERAL ELECTION COMMISSION

DATE 15NOV90

SELECTED LIST OF RECEIPTS & EXPENDITURES (89-90)
USER SELECTED ITEMIZED TRANSACTIONS

CONTRIBUTOR/LENDER/TRANSFERER REPORTING ENTITY MICROFILM LOCATION	STREET ADDRESS TRANSACTION TYPE	CITY	STATE ZIP REPORT TYPE DATE	TYPE OF FILER ELECTION	AMOUNT
BINGHAM, MARY C DEMOCRATS FOR THE 90'S 90FEC/633/5218 #326799	CONTRIBUTION	GLENVIEW HOMEMAKER	KY 40025 APRIL QUARTERLY 22FEB90	PRIMARY	5,000
BINGHAM, MARY C KENTUCKY STATE DEMOCRATIC CENTRAL EXECUTIVE COMMITTEE 90FEC/660/3115 #576061	CONTRIBUTION	GLENVIEW RETIRED	KY 40025 OCTOBER QUARTERLY 17SEP90	PRIMARY	5,000

Attachment 1 Continued

NOTICE: THE DOCUMENTS LISTED ABOVE ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE FEC. ANY INFORMATION COPIED FROM SUCH REPORTS OR 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." 2 U.S.C. §438(a)(4)

9403097438

Attachment 2

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than Authorized Committees

(Summary Page)

90 OCT 25 PM 4:04

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full)

DNC Serv. Corp./Democratic National Committee.

ADDRESS (number and street) — Check if different than previously reported

430 S. Capitol St., S.E.

CITY, STATE and ZIP CODE

Washington, D.C. 20003

2. FEC IDENTIFICATION NUMBER

C00010603

3. — This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date).

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

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

☐ Termination Report

Monthly Report Due On:

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

☐ Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____ in the State of _____

X Pre General Election Report

(b) Is this Report an Amendment? ☐ YES ☒ NO

SUMMARY

5. Covering Period 10/1/90 through 10/17/90

		COLUMN A This Period	COLUMN B Calendar Year-to-Date
6.	(a) Cash on Hand January 1, 1990		$3,818,676.25
	(b) Cash on Hand at Beginning of Reporting Period	$2,384,641.90	
	(c) Total Receipts (from Line 18)	$ 681,204.41	$6,330,130.03
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$3,065,846.31	$10,148,806.28
7.	Total Disbursements (from Line 28)	$1,101,342.35	$8,184,302.32
8.	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$1,964,503.96	$1,964,503.96
9.	Debts and Obligations Owed TO the Committee (Itemize all on Schedule D and/or Schedule E)	$	
10.	Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule E)	$ 804,687.31	

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

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

Typed Name of Treasurer: WANDA SCHUMPERT

Signature of Treasurer: [signature]

Date: 10/25/90

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

NAME ADDRESS CITY STATE ZIPCODE	OCCUPATION EMPLOYER	DATE	AMOUNT THIS PERIOD	YTD AGGREGATE
Mrs. Sara L Bentley 510 E. Drive Marshall MI 49068	REQUESTED	10/03/90	100.00	325.00
Mr. Ralph Herbson 918 W John Street Champaign IL 61821	Homemaker	10/13/90	[illegible]	250.00
Mr. Harold J Weber 411 Tennis Lane Winter Haven FL 33881	RETIRED	10/15/90	40.00	240.00
Mr. James G Biggs [illegible] San Francisco CA 94127	REQUESTED	10/16/90	100.00	300.00
Dr. Mary C. Bingham [illegible] Pritchard Tower Louisville KY [illegible]	Philanthropist	10/11/90	20,000.00	20,000.00

Attachment 2 Continued

9403097439 0

Attachment 3

NAME	ADDRESS	CITY	ST	ZIP CODE	RECEIPT TYPE	EMPLOYER	OCCUPATION	DATE (MONTH, DAY YEAR)	AMOUNT OF RECEIPT	AGGREGATE YEAR TO DATE
Contributions in excess of $200 during 1990										
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	[illegible]

9 4 0 3 0 9 7 4 3 9 2

Attachment 4

FEDERAL ELECTION COMMISSION

DATE 15NOV90

SELECTED LIST OF RECEIPTS & EXPENDITURES (87-88)
USER SELECTED ITEMIZED TRANSACTIONS

CONTRIBUTOR/LENDER/TRANSFERER REPORTING ENTITY MICROFILM LOCATION	STREET ADDRESS TRANSACTION TYPE	CITY	STATE ZIP REPORT TYPE DATE	TYPE OF FILER ELECTION	AMOUNT
BINGHAM, MARY SLOANE FOR SENATE COMMITTEE 89SEN/003/1169 #701918	CONTRIBUTION	GLENVIEW CIVIC LEADER	KY 40025 YEAR-END 8JUL88	PRIMARY AMENDMENT	200
BINGHAM, MARY C KENTUCKY STATE DEMOCRATIC CENTRAL EXECUTIVE COMMITTEE 88FEC/563/4505 #550359	CONTRIBUTION	GLENVIEW	KY 40025 PRE-GENERAL 10CT88	PRIMARY	5,000
BINGHAM, MARY C MRS R. L. MAZZOLI CAMPAIGN FUND 88HSE/355/3478 #413222	CONTRIBUTION	GLENVIEW	KY 40025 JULY QUARTERLY 27MAY88	GENERAL	1,000
BINGHAM, MARY C MS R. L. MAZZOLI CAMPAIGN FUND 88HSE/348/5325 #292177	CONTRIBUTION	GLENVIEW RETIRED	KY 40025 APRIL QUARTERLY 31MAR88	PRIMARY	500
BINGHAM, MARY C MS ALBERT GORE JR FOR PRESIDENT COMMITTEE INC 88FEC/544/0133 #471658	CONTRIBUTION	GLENVIEW	KY 40025 AUGUST MONTHLY 13JUL88	PRIMARY	500
BINGHAM, MARY C MS ALBERT GORE JR FOR PRESIDENT COMMITTEE INC 88FEC/544/0133 #471659	CONTRIBUTION	GLENVIEW	KY 40025 AUGUST MONTHLY 29JUL88	PRIMARY	500
BINGHAM, MARY C MS DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE INC 88HSE/365/1818 #576860	CONTRIBUTION	GLENVIEW	KY 40025 OCTOBER MONTHLY 26SEP88	PRIMARY	2,000

NOTICE: THE DOCUMENTS LISTED ABOVE ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE FEC. "ANY INFORMATION COPIED FROM SUCH REPORTS OR 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." 2 U.S.C. §438(a)(4).

Attachment 4 Continued

FEDERAL ELECTION COMMISSION

DATE 15NOV90

SELECTED LIST OF RECEIPTS & EXPENDITURES (87-88)
USER SELECTED ITEMIZED TRANSACTIONS

CONTRIBUTOR/LENDER/TRANSFERRER REPORTING ENTITY MICROFILM LOCATION	STREET ADDRESS TRANSACTION TYPE	CITY	STATE ZIP REPORT TYPE	TYPE OF FILER DATE	ELECTION	AMOUNT
BINGHAM, MARY C MS DNC SERVICES CORPORATION/DEMOCRATIC NATIONAL COMMITTEE 88FEC/562/2477 #629213	CONTRIBUTION	LOUISVILLE PHILANTHROPIST	KY 40202 PRE-GENERAL	30CT88	PRIMARY	20,000

NOTICE: THE DOCUMENTS LISTED ABOVE ARE AVAILABLE FOR PUBLIC INSPECTION [illegible] AND INFORMATION COPIED FROM SUCH REPORTS OR STATEMENTS MAY NOT BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR COMMERCIAL PURPOSES [illegible] POLITICAL COMMITTEE TO SOLICIT CONTRIBUTIONS FROM SUCH COMMITTEE. 2 U.S.C. §438(a)(4)

9403097 4393

FEDERAL ELECTION COMMISSION

DATE 15NOV90

SELECTED LIST OF RECEIPTS & EXPENDITURES (87-88)
USER SELECTED ITEMIZED TRANSACTIONS

CONTRIBUTOR/LENDER/TRANSFERRER REPORTING ENTITY MICROFILM LOCATION	STREET ADDRESS TRANSACTION TYPE	CITY	STATE ZIP REPORT TYPE DATE	TYPE OF FILER ELECTION	AMOUNT
DINGHAN, M C MR DNC SERVICES CORPORATION/DEMOCRATIC NATIONAL COMMITTEE 88FEC/563/2433 #577136	CONTRIBUTION	GLENVIEW	KY 40025 OCTOBER MONTHLY 15SEP88	PRIMARY	1,000 AMENDMENT

Attachment 4 Continued

NOTICE: THE DOCUMENTS LISTED ABOVE ARE AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE FEC. ANY INFORMATION COPIED FROM SUCH REPORTS OR 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." 2 U.S.C. 438(a)(4)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 28, 1990

Ellen S. Miller, Executive Director
Center for Responsive Politics
1320 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 3175

Dear Ms. Miller:

This letter acknowledges receipt on November 16, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Mary C. Bingham, the DNC Services Corporation/Democratic National Committee and Robert A. Farmer, as treasurer, the Democratic Senatorial Campaign Committee and G. Wayne Smith, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3175. 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

9403097439 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 28, 1990

Robert A. Farmer, Treasurer
DNC Services Corporation
/Democratic National Committee
430 South Capitol Street, S.E.
Washington, D.C. 20003

RE: MUR 3175

Dear Mr. Farmer:

The Federal Election Commission received a complaint which alleges that the DNC Services Corporation/Democratic National Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3175. 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.

9403097439 6

If you have any questions, please contact Noriega James, the staff member 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

9403097439 7

If you have any questions, please contact Noriega James, the staff member 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

9403097439 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 28, 1990

Mary C. Bingham
4309 Glenview
Glenview, KY 40025

RE: MUR 3175

Dear Ms. Bingham:

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 3175. 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.

9403097400

If you have any questions, please contact Noriega James, the staff member 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

9403097440 1

Thu Dec 6 11:09:26 1990

REED SMITH SHAW & MCCLAY

1200 18TH STREET, N.W.
WASHINGTON, D.C. 20036
202-457-6100

FAX 202-457-6113
TELEX NO. 64711

WRITER'S DIRECT DIAL NUMBER

(202) 457-6139

PITTSBURGH, PA
PHILADELPHIA, PA
HARRISBURG, PA
McLEAN, VA

90 DEC -7 AM 11:05

90 DEC -7 PM 12:54

December 6, 1990

Noreiga James, Esquire
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3175

Dear Mr. James:

Enclosed is a letter which I sent to Lois G. Lerner yesterday requesting an extension of time on behalf of Mary C. Bingham for filing her initial response to the complaint filed in MUR 3175.

In our telephone conversation, Ms. Lerner asked that, when I sent the letter confirming my request, I send you a copy of it as well. I realized last night that I had neglected to do so and am, therefore, sending you this letter now.

Very truly yours,

Joseph A. Rieser, Jr.

JAR:vrc

Enclosure

cc: Lois G. Lerner, Esq. (w/o encl.)

9403097440 2

Wed Dec 5 17:11:13 1990

REED SMITH SHAW & MCCLAY

1200 18TH STREET, N.W.
WASHINGTON, D.C. 20036
202-457-6100

FAX 202-457-6113
TELEX NO 64711

WRITER'S DIRECT DIAL NUMBER

PITTSBURGH, PA
PHILADELPHIA, PA
HARRISBURG, PA
McLEAN, VA

(202) 457-6139

December 5, 1990

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

Re: MUR 3175

Dear Miss Lerner:

Per my conversation with you today, I write to request on behalf of respondent Mary C. Bingham an extension of time to and including January 4, 1991 for filing her response to the complaints filed in the above-captioned MUR and sent by you to her under cover of your letter dated November 28, 1990. Under the Commission's Rules of Practice, the initial responses to these complaints would be due on December 17, 1990. However, as I mentioned to you in our conversation, I am requesting an extension of time for filing those responses to and including January 4, 1991 in light of the facts that (i) the respondent resides in Kentucky and not in Washington, D.C.; (ii) the intervention of the Christmas and New Year's holidays during the extension period; and (iii) the expectation, based on published news reports, that a complaint raising similar issues has been or is about to be filed by Common Cause which it would be economical to respond to at approximately the same time.

I would appreciate your confirmation in writing that the requested extension has been granted. For your information, I enclose Designations of Counsel executed by Mrs. Bingham in connection with these matters.

Very truly yours,

Joseph A. Rieser, Jr.

JAR:vrc

9403097444 03

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3175

NAME OF COUNSEL: Joseph A. Rieser, Jr., Esq.

ADDRESS: Reed Smith Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036

TELEPHONE: 202 - 457-6139

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.

Dec. 4, 1990
Date

Mary C. Bingham
Signature

RESPONDENT'S NAME: Mary C. Bingham

ADDRESS: 4309 Glenview Ave.
Glenview, KY 40025

HOME PHONE: 502 - 896-6123

BUSINESS PHONE: 502 - 587-0881

9403097404

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 12, 1990

Joseph A. Rieser, Jr., Esquire
Reed Smith Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036

RE: MUR 3175

Dear Mr. Rieser:

This is in response to your letters dated December 6, 1990, which we received on December 7, 1990, requesting extensions until January 4, 1991 to respond to the complaints filed in the above-captioned MURs. After considering the circumstances presented in your letters, I have granted the requested extensions. Accordingly, your response is due by the close of business on January 4, 1991.

If you have any questions, please contact Jeffrey Long, the staff member assigned to these matters, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9403097440 5

OGC 8954

PERKINS COIE

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

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 DEC 12 PM 2:35

December 12, 1990

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

Re: MUR 3175 - Democratic Senatorial Campaign Committee and G. Wayne Smith, as Treasurer

Attention: Noriega James

Dear Mr. Noble:

This letter is in response to your notification dated November 28, 1990, that a complaint had been filed against the above respondent. A copy of the Designation of Counsel is attached.

The complaint alleges that Mary C. Bingham "made contributions to the Democratic Senatorial Campaign Committee of $20,300 in 1990." They contend that the contributions exceed by $300 the limits imposed by the Federal Election Campaign Act on contributions to a national party committee in a calendar year.

On December 10, 1990, the Democratic Senatorial Campaign Committee ("DSCC") refunded $300 to Mary C. Bingham. A copy of this refund check is attached. The refund will be reported on the DSCC's next regularly scheduled FEC report.

Because of the minimal amount involved in this matter, and because it has been completely corrected at this time, the FEC should take no further action against the DSCC in connection with this complaint.

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

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel to Respondents

0156m

9403097406

TELEX 44-0277 PCSO UI • FACSIMILE (202) 223-2088
ANCHORAGE • BELLEVUE • LOS ANGELES • PORTLAND • SEATTLE • SPOKANE

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3175

NAME OF COUNSEL: Perkins Coie - Robert F. Bauer, Judith L. Corley

ADDRESS: 1110 Vermont Avenue NW # 1200
Washington, DC 20005

TELEPHONE: 202-887-9030

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

December 10, 1990
Date

Thomas J. Lehner
Signature

Thomas J. Lehner, Assistant Treasurer

RESPONDENT'S NAME: Democratic Senatorial Campaign Committee

ADDRESS: 430 South Capitol Street SE
Washington, DC 20003

HOME PHONE:

BUSINESS PHONE: 202-224-2447

9403097440 7

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE
OPERATING ACCOUNT
430 S. CAPITOL ST., S.E. PH. 202-224-2447
WASHINGTON, D.C. 20003

SOVRAN BANK
DC NATIONAL

MAIN OFFICE
STREET, NW
GTON, D.C. 20036

7222

December 10 19 90

15-470/540 D01

PAY Three Hundred and xx/100 ---------- DOLLARS $ 300.00

TO THE ORDER OF
Mary C. Bingham
4309 Glenview
Glenview, KY 40025

⑈007222⑈ ⑆054001204⑆ 272111 2⑈

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE - FORM WVCP-3 V-2

DATE	DESCRIPTION	AMOUNT
12/10/90	contribution refund	300.00

9403097440 8

jar6139/bingham/fec.matter/corres.91/0103j1.1e2
Thu Jan 3 11:52:46 1991

OGC 9213

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JAN -4 AM 11:39

REED SMITH SHAW & McCLAY

1200 18TH STREET, N.W.
WASHINGTON, D.C. 20036
202-457-6100

FAX 202-457-6113
TELEX NO. 64711

WRITER'S DIRECT DIAL NUMBER

(202) 457-6139

PITTSBURGH, PA
PHILADELPHIA, PA
HARRISBURG, PA
McLEAN, VA

January 3, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH
91 JAN -4 AM 10:42

BY HAND DELIVERY

Federal Election Commission
Office of General Counsel
Attn: Noreiga James, Esq.
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3175

Dear Mr. James:

I write on behalf of Mrs. Mary C. Bingham to respond to the Complaint filed by the Center for Responsive Politics and docketed as MUR 3175. A Designation of Counsel executed by Mrs. Bingham and designating me as her counsel in this matter was previously furnished to the Commission under cover of my letter to Lois G. Lerner, Esq., dated December 5, 1990.

In its Complaint, the Center for Responsive Politics alleges that various political contributions which Mrs. Bingham made in 1988 and 1990 exceeded the annual aggregate limitation imposed by the Federal Election Campaign Act of 1971, as amended (the "Act"), on contributions to federal political committees. The amounts of the alleged excess for those years are $5,500 and $32,700, respectively. The Center also alleges that Mrs. Bingham's contributions to the Democratic Senatorial Campaign Committee ("DSCC") in 1990 exceeded the annual limit imposed by the Act on contributions to that committee by $300. Finally, the Center alleges that Mrs. Bingham's contributions to the Democratic National Committee ("DNC") in 1988 exceeded the annual limit imposed by the Act on contributions to that committee by $1,000.

Mrs. Bingham is a widow of 86 years of age who resides in Kentucky. For many years, she and her late husband, Barry Bingham, Sr., were the owners (together with other members of their family) of The Courier Journal, a newspaper of general

9403097440 9

circulation published in Louisville, Kentucky, and of WHAS television and radio stations, also headquartered in Louisville. Mrs. Bingham and, until his death in 1988, Mr. Bingham, have long been generous benefactors of the arts and humanities, education, human needs and other charitable causes in Louisville, in Kentucky, and in the nation, both through a charitable foundation established by their companies and to which those companies annually contributed 5% of their gross profits, and then, after the sale of those businesses, through contributions from their own personal funds. For example, from 1986 to date Mr. and Mrs. Bingham[1/] contributed more than $40 million to charitable causes and organizations from their personal funds. These contributions were always made by the Binghams out of disinterested generosity, with no strings attached or expectation of personal benefit. Further, as is customary in charitable giving, they also always relied upon the representations by soliciting organizations that the contributions were lawful and that the donated funds would be properly spent.

Although, as noted above, the Binghams have been exceedingly generous when asked for help by charitable organizations in whose causes they believed, they made few, if any, political contributions until recently. During the time that they owned The Courier Journal and their son was publisher thereof, they did not believe it would be proper for them to take an active role, whether financial or otherwise, in political campaigns. Accordingly, and as the Commission's records will show, prior to 1986 (when their son left The Courier Journal) they rarely made political contributions and, when they did, made them only in small sums. Thus, it was not until 1986 that the Binghams made political contributions in any noticeable amount, and in that year they contributed a combined total of less than $8,000 to federal and non-federal candidates and committees.

This background is relevant to this proceeding because, in view of the self-imposed restrictions which Mrs. Bingham and her husband had long applied to their political activities, Mrs. Bingham had little occasion for many, many years to learn of the limitations and prohibitions of the Act. Thereafter, when she was no longer subject to those personal

---

1/ As noted above, Mr. Bingham died in 1988.

9403097441 0

constraints, she followed the same approach to political contributions which she followed with respect to charitable giving: when asked on behalf of a cause in which she believed, she gave freely -- with no strings attached and no expectation of personal benefit -- and relied upon the assurances of the soliciting organization that her contribution was legal. At no time did anyone soliciting her for political contributions apprise her of the $25,000 annual aggregate limitation under the Act.

Mrs. Bingham has since learned that she may inadvertently and unintentionally have exceeded the $25,000 annual aggregate limitation imposed by the Act with respect to her contributions to Federal candidates and political committees in 1988 and 1990. When she first learned of this problem in early November, she took prompt action -- before the instant Complaint was filed -- to remedy the situation with respect to 1990. Through her personal attorney, she asked the DNC to treat her $20,000 contribution to it as a contribution solely in connection with nonfederal elections and to transfer said amount to its nonfederal account. A letter confirming this request is attached hereto. Similarly, she also asked the DSCC to return a substantial portion of her contribution to it, and a copy of the letter confirming that request is attached hereto.[2/] The DNC,

---

2/ At the time of these requests, Mrs. Bingham believed that the total amount of contributions in issue for 1990 was $55,700. Thus, by requesting that the DNC redesignate her $20,000 contribution to it and that the DSCC refund $12,000 of her contribution to it, she believed that she was thereby setting matters right. The Center, however, alleges that the total amount of Mrs. Bingham's contributions attributable to 1990 and subject to the Act was $57,700. The difference arises because the Center includes within its tabulation certain contributions in the amount of $2,000 which Mrs. Bingham made in 1988 to a committee organized by or on behalf of Harvey Sloane. Mrs. Bingham's records indicate, however, that that contribution was made to an exploratory committee. (A copy of her cancelled check is attached hereto.) Under the Commission's regulations, exploratory committees have a special status. While those regulations make clear that, should an individual ultimately become a candidate, she/he must report the contributions to his or her exploratory

Continued on following page

9403097441

by letter attached hereto, subsequently confirmed that it had effected such redesignation. This redesignation was accomplished within 60 days of the contribution, a period of time which the regulations have considered to be appropriate in connection with other types of excessive contributions and should be applied here as well. See Reg. § 103.4(b)(3). Mrs. Bingham has not yet received any response to her request to the DSCC.

Additionally, in order to guard against similar problems arising in the future, Mrs. Bingham has instructed her accountant to monitor all political contributions which she may hereafter make and to review them in advance with counsel to assure full compliance with the Act and all other applicable federal and state statutes.

Despite the foregoing, Mrs. Bingham recognizes that she inadvertently and unintentionally exceeded the annual aggregate limitation under the Act in 1988 and that, if the DSCC does not refund the amount she has requested, she will also have done so in 1990.[3/] She believes that, in light of the facts stated above, it is manifest that she acted in good faith reliance upon the assurances of those who solicited her that her contributions were legal and that she had no intent to exceed the limitation of the Act. In other proceedings, the Commission has often treated respondents' age and reliance upon advice of others as mitigating circumstances and it should do so here as well. See MUR 2591 (Jacobson, et al.) and MUR 2381 (Northfield Savings Bank). Nevertheless, Mrs. Bingham also recognizes that

---

Continued from previous page
committee, they do not set forth any clear guidance regarding how, if at all, donors are to treat such contributions. See Reg. §§ 100.7(b(1)(i), 101.2(b), 101.3. In the absence of such direction, Mrs. Bingham does not believe that such contributions should be taken into account in this proceeding or should detract from the good faith efforts described above which she undertook earlier to correct her oversight.

3/ She also recognizes that she inadvertently and unintentionally exceeded the limit on contributions to the DNC in 1988 by $1,000. The DSCC has refunded her extra $300 contribution to it.

9403097441-2

her good faith does not absolve her of legal responsibility with respect to those contributions. Accordingly, although the Commission's rules grant her the right to additional review and consideration by the Commission of these charges, she has no wish to call upon the Commission to devote further of its resources to this matter. Instead, pursuant to Reg. § 111.18(d) she hereby expresses a desire to enter into negotiations at this time towards reaching an appropriate conciliation agreement.

Very truly yours,

Joseph A. Rieser, Jr.

JAR:vrc

9403097441 3

WYATT, TARRANT & COMBS

CITIZENS PLAZA

LOUISVILLE, KENTUCKY 40202

502 589-8235

FAX: 502 589-0309

TELEX: 21333

LEXINGTON FINANCIAL CENTER
LEXINGTON, KENTUCKY 40507

MCCLURE BUILDING
FRANKFORT, KENTUCKY 40602

ELSBY BUILDING
117 EAST SPRING STREET
NEW ALBANY, INDIANA 47150

SUITE 1350
THIRD NATIONAL BANK BUILDING
NASHVILLE, TENNESSEE 37219

MUSIC ROW OFFICE
1100 SEVENTEENTH AVENUE SOUTH
NASHVILLE, TENNESSEE 37212

TELFORD B. ORDISH *
BERT T. COMBS
C. KILMER COMBS
RICHARD C. O'CONNOR *
JOHN S. OSBORN, JR.
ROBERT L. MADDOX
EDGAR A. ZINSMAN
GORDON B. DAVIDSON
WILLIAM H. MCCANN
HERBERT D. SLEDD
LAWRENCE L. JONES, III
CHARLES E. MACGREGOR *
HARRIS A. GILBERT *
RICHARD W. ILER
H. FOSTER PETTIT
CLAY L. MORTON
RUSSELL H. RIGGS
RICHARD L. MATTOX *
RICHARD C. WARD
JAMES E. BOURNE *
ROBERT C. EWALD
A. WALLACE GRIFFITH, JR.
THOMAS W. SINEX *
SAMUEL G. BRIDGE, JR.
H. ALEXANDER CAMPBELL
STEWART E. CONNER
R. LAWRENCE BAIRD
J. LARRY CASHEN
PARKER W. DUNCAN *
ROBERT I. CUSICK
CHARLES R. SIMONS
EDWIN S. HOPSON
GROVER C. POTTS, JR.
JON L. FLEISCHAKER
K. GREGORY HAYNES
ROBERT S. WALKER III
JAMES T. HODGE
W. MICHAEL MILOW *
M. STEPHEN PITT
SHERYL G. SNYDER
JOSEPH H. TERRY
STEPHEN D. BERGER
JOHN W. LEWIS *
J. SPENCER HARMON *
JAMES D. ISHMAEL, JR.
GEORGE L. SEAY, JR. *
DAVID C. FANNIN
FRANCIS J. NELLEN, JR.
MARTIN P. DUFFY
MICHAEL B. VINCENTI
JEFF A. WOODS
JOSEPH J. ZALUGRI
RICHARD A. BIERLY *
FRANK F. CHUPKE
THOMAS J. LUBER
RICHARD NORTHERN
ALETA ARTHUR TRAUGER *
BRADFORD L. COWGILL
BARBARA B. EDELMAN
RALPH Z. LEVY, JR. *
BOB LYNCH, JR. *
MERRILL S. SCHELL
KEVIN J. HABLE
JANET GOOBEY KELLEY
DAVID C. LONG
MALCOLM L. MINNS, JR. *
CHRISTIAN A. HORSNELL *
MARK T. MACDONALD
J. MARK BURTON
PAUL J. COX
WILLIAM WARREN GIBSON *
KIMBERLY K. GREENE
G. ALEXANDER HAMILTON
PATRICK W. MATTINGLY
THEODORE T. MYRE, JR.
SUSAN B. TURNER
CHAUNCEY S. R. CURTZ
JAMES A. NITSCHE
JOHN R. RHORER, JR.
VIRGINIA HAMILTON SNELL
ARTHUR A. ROUSE
GORDON B. WRIGHT
CYNTHIA W. YOUNG *
WALTER H. JONES
BARBARA A. FOSTER
PENNY R. WARREN
PARKER W. EADS
DAVID W. BEERER
VANESSA M. BENGE
GARRY R. KAPLAN
CANDACE A. SHAUGHNESSY
H. DAVID SLEDD
DEBRA H. DARNAUER
H. CARL HERRIEMAN
BYRON E. LEEY
MARY ANN MAIN
JANET K. MARTIN *
CARTH F. PRICE
LEO F. CAMP
J. ANTHONY GOEBEL *
ROBERT A. HEATH
WILLIAM H. HOLLANDER *
ROBIN MITCHELL JOYCE *
MICHAEL K. KIRK
GEORGE J. MILLER
HOLLIDAY HOPKINS THACKER
LISA E. UNDERWOOD *
JOAN LLOYD COOPER *
RHONDA E. CURRY
SAMUEL A. DAY *
KAREN J. GREENWELL
J. GRAHAM MATHERNE *
WILLIAM B. ONSLEY
STEPHEN R. PRICE
MARK A. ROBINSON
SARA G. SMITH
ALEXANDER H. WALDROP
MARY E. BARRAZOTTO
STEVEN E. CLIFTON
JANICE S. JACOBS
RITA L. MCDONALD
WARD D. RICHARDS
MICHELLE TURNER *
CORNELIUS E. CORYELL, II
LESLY A. R. GAVIS
JAKE C. FOUSHEE
HAROD H. RAJKOVICH, JR.
JOHN H. WILLIAMS
REGINA ABRAMS
MARYELLEN B. ALLEN
CAROLE D. CHRISTIAN
SCOTT ANTHONY GREGG
R. TEMPLE JUETT
DENISE ST. CLAIR KAISER
DONALD J. KELLY
J. TERRELL MANN
DEBRA D. POULIN
JENNIFER LEIGH SAPP
PEGGY VON WERDT
GAIL L. CAMPBELL
E. SCOTT FRUCHWALD
AUGUSTUS S. HERBERT
SHARON A. SCHNEIDER

COUNSEL
JOHN D. WHALLEY *
STEPHEN C. SMALL *
JOHN P. REISZ
JACK G. JONES, JR.
RAYMOND H. BURGE

OF COUNSEL
JOHN E. TARRANT
WILSON W. WYATT, SR.
STUART E. LAMPE
THOMAS W. BULLITT

* ADMITTED ONLY IN INDIANA
* ADMITTED IN INDIANA AND KENTUCKY
* ADMITTED ONLY IN TENNESSEE
* ADMITTED IN TENNESSEE AND KENTUCKY
ALL OTHER ATTORNEYS ADMITTED IN KENTUCKY

November 16, 1990

9403097441 4

The Honorable Ronald H. Brown
Chairman
Democratic National Committee
430 South Capitol Street, S.E.
Washington, D.C. 20003

Dear Mr. Chairman:

I write to confirm converations I have had with your staff regarding contributions made to the Democratic National Committee by my client Mrs. Mary C. Bingham.

She has within the last few days, and for the first time, learned that she may have, inadvertently and unintentionally, exceeded the annual aggregate limit on contributions imposed by the Federal Election Campaign Act of 1971, as amended. Mrs. Bingham would very much like to rectify this error since she has always intended to comply fully with all applicable laws. Accordingly, we ask that you treat a contribution which she made to the Democratic National Committee by check dated October 9, 1990, in the amount of $20,000 as a contribution in connection solely with nonfederal elections and transfer a like amount, representing her contribution, from your federal account to your nonfederal account. We understand from conversations with your staff that you have already made arrangements to comply with our earlier request to this effect made orally to your staff and would appreciate it if you would confirm in writing that the transfer has been effected.

As I am sure you know, Mrs. Bingham has been a regular and substantial contributor to the Democratic Party and its

affiliate organizations. Mrs. Bingham's sole purpose in making such contributions over the years has been to support the Party whose principles and candidates she believes best serve the interests and needs of our country. She is understandably upset that such good faith contributions are now being questioned as being in violation of the law. She has always relied upon the soliciting organization to make sure her contributions complied with all applicable laws and regulations since, admittedly, she is not familiar with the confusing and complicated rules applicable to political contributions.

We very much appreciate your prompt attention to this matter.

Sincerely yours,

WYATT, TARRANT & COMBS

Gordon B. Davidson

Gordon B. Davidson

GBD:RB

C-Hartina Flournoy, Esq.

Mary C. Bingham

9403097744 15

WYATT, TARRANT & COMBS
CITIZENS PLAZA
LOUISVILLE, KENTUCKY 40202
502 589-5235
FAX: 502 589-0309
TELEX: 213331

LEXINGTON FINANCIAL CENTER
LEXINGTON, KENTUCKY 40507

MCCLURE BUILDING
FRANKFORT, KENTUCKY 40602

ELSBY BUILDING
117 EAST SPRING STREET
NEW ALBANY, INDIANA 47150

SUITE 1350
THIRD NATIONAL BANK BUILDING
NASHVILLE, TENNESSEE 37219

MUSIC ROW OFFICE
1100 SEVENTEENTH AVENUE SOUTH
NASHVILLE, TENNESSEE 37212

TELFORD B. OGDEN *
BERT T. COMBS
C. RUTHER COMBS
RICHARD C. O'GORMAN *
JOHN B. OGDEN JR.
ROBERT L. MADDOX
EDGAR A. ZINGMAN
GORDON B. DAVIDSON
WILLIAM H. MCCANN
HERBERT D. SLEDD
LAWRENCE L. JONES, III
CHARLES E. MACGREGOR *
HARRIS A. GILBERT *
RICHARD W. ILER
H. FOSTER PETTIT
CLAY L. MORTON
RUSSELL H. RIGGS
RICHARD L. MATTOX *
RICHARD C. WARD
JAMES E. BOURNE *
ROBERT C. EWALD
A. WALLACE GRAFTON, JR.
THOMAS W. SIMES *
SAMUEL G. BRIDGE, JR.
H. ALEXANDER CAMPBELL
STEWART E. CONNER
R. LAWRENCE BAIRD
J. LARRY CABNER
PARKER W. DUNCAN *
ROBERT I. CUBICK
CHARLES R. SIMONS
EDWIN S. HOPSON
GROVER C. POTTS, JR.
JON L. FLEISCHAKER
K. GREGORY HAYNES
ROBERT S. WALKER III
JAMES T. HODGE
W. MICHAEL HILOW *
M. STEPHEN PITT
SHERYL G. SNYDER
JOSEPH H. TERRY
STEPHEN D. BERGER
JOHN W. LEWIS *
J. SPENCER HARMON *
JAMES D. ISHMAEL, JR.
GEORGE L. SEAY, JR. *
DAVID C. FANNIN
FRANCIS J. MELLEN, JR.
MARTIN P. DUFFY
MICHAEL B. VINCENTI
JEFF A. WOODS
JOSEPH J. ZALUSKI
RICHARD A. BYERLY *
FRANK F. CHUPKE
THOMAS J. LUBER
RICHARD NORTHERN
ALETA ARTHUR TRAUGER *
BRADFORD L. COMPSILL
BARBARA B. EDELMAN
RALPH Z. LEVY, JR. *
BOB LYNCH, JR. *
MERRILL S. SCHELL
KEVIN J. HABLE
JANET GOODBY KELLEY
DAVID C. LEWIS
MALCOLM L. HINKS, JR. *
CHRISTIAN A. HORNELL *
MARK T. MACDONALD
J. MARK BURTON
PAUL J. COX
WILLIAM WARREN GIBSON *
KIMBERLY R. GREENE
G. ALEXANDER HAMILTON
PATRICK W. MATTINGLY
THEODORE T. MYRE, JR.
SUSAN B. TURNER
CHAUNCEY S. R. CURTZ
JAMES A. NITSCHE
JOHN R. RHORER, JR.
VIRGINIA HAMILTON SNELL
ARTHUR A. ROUSE
GORDON B. WRIGHT
CYNTHIA W. YOUNG *
WALTER M. JONES
BARBARA A. FOSTER
PENNY R. WARREN
PARKER W. EADS
DAVID W. BEEWER
VANESSA H. BERGE
GARRY R. KAPLAN
CANDACE A. SHAUGHNESSY
H. DAVIS SLEDD
DEBRA H. DARNAUER
H. CARL HORNEMAN
BYRON E. LEET
MARY ANN MAIN
JANET K. MARTIN *
CARYN F. PRICE
LEO F. CAMP
J. ANTHONY GOEBEL *
ROBERT A. HEATH
WILLIAM H. HOLLANDER *
ROBIN MITCHELL JOYCE *
MICHAEL K. KIRK
GEORGE J. MILLER
HOLLIDAY HOPKINS THOMAS
LISA E. UNDERWOOD *
JOAN LLOYD COOPER *
RHONDA E. CURRY
SAMUEL A. DAY *
KAREN J. GREENWELL
J. GRAHAM MATHERNE *
WILLIAM B. OWSLEY
STEPHEN R. PRICE
MARK A. ROBINSON
SARA G. SMITH
ALEXANDER M. WALDROP
MARY E. BARRAZOTTO
STEVEN E. CLIFTON
JANICE S. JACOBS
RITA L. MCDONALD
WARD D. RICHARDS
MICHELLE TURNER *
CORNELIUS E. CONYELL, II
LESLY A. R. DAVIS
JANE C. FOUSHEE
MARKO M. RAJKOVICH, JR.
JOHN M. WILLIAMS
REGINA ADRIANO
MARYELLEN B. ALLEN
CAROLE D. CHRISTIAN
SCOTT ANTHONY GREGG
R. TEMPLE JUETT
DENISE ST. CLAIR KAISER
DONALD J. KELLY
J. TERRELL MANN
DEBRA D. POULIN
JENNIFER LEIGH SAPP
PEGGY VON WERDT
GAIL L. CAMPBELL
E. SCOTT FRUEHWALD
AUGUSTUS S. HERBERT
SHARON A. SCHNEIDER

COUNSEL
JOHN D. WHALLEY *
STEPHEN C. SHALL *
JOHN P. REISZ
JACK G. JONES, JR.
RAYMOND H. BURKE

OF COUNSEL
JOHN E. TARRANT
WILSON W. WYATT, SR.
STUART E. LAMPE
THOMAS W. BULLITT

* ADMITTED ONLY IN INDIANA
* ADMITTED IN INDIANA AND KENTUCKY
* ADMITTED ONLY IN TENNESSEE
* ADMITTED IN TENNESSEE AND KENTUCKY
ALL OTHER ATTORNEYS ADMITTED IN KENTUCKY

November 16, 1990

9403097441 6

The Honorable Charles S. Robb
Chairman
Democratic Senatorial Campaign Committee
430 South Capitol Street, S.E.
Washington, D.C. 20003

Dear Senator Robb:

I write regarding contributions made to the Democratic Senatorial Campaign Committee this year by my client Mrs. Mary C. Bingham.

She has within the last few days, and for the first time, learned that she may have, inadventently and unintentionally, exceeded for this year the annual aggregate limit on contributions, and the annual limit on contributions to the Campaign Committee, imposed by the Federal Election Campaign Act of 1971, as amended. Mrs. Bingham would very much like to rectify this error since she has always intended to comply fully with all applicable laws. Accordingly, we ask that you refund to Mrs. Bingham $12,000 from a contribution which she made to the Democratic Senatorial Campaign Committee by check dated June 25, 1990, in the amount of $20,000.

As I am sure you know, Mrs. Bingham has been a regular and substantial contributor to the Democratic Party and its affiliate organizations. Mrs. Bingham's sole purpose in making such contributions over the years has been to support the Party

whose principles and candidates she believes best serve the interests and needs of our country. She is understandably upset that such good faith contributions are now being questioned as being in violation of the law. She has always relied upon the soliciting organization to make sure her contributions complied with all applicable laws and regulations since, admittedly, she is not familiar with the confusing and complicated rules applicable to political contributions.

We very much appreciate your prompt attention to this matter.

Sincerely yours,

WYATT, TARRANT & COMBS

Gordon B. Davidson

GBD:RB

C-Robert F. Bauer, Esq.
General Counsel
Democratic Senatorial Campaign Committee

9403097441 7

Democratic National Committee

November 28, 1990

Gordon B. Davidson, Esquire
Wyatt Tarrant & Combs
Citizens Plaza
Louisville, Kentucky 40202

Dear Mr. Davidson:

Chairman Brown has asked that I respond to your letter of November 16, 1990 concerning a contribution to the Democratic National Committee's federal account ("DNC") by Mrs. Mary C. Bingham.

The DNC's records indicate, and your letter confirms, that Mrs. Bingham made a $20,000 contribution to the DNC's federal account by a check dated October 9, 1990. That check was deposited into the DNC's federal account on October 11, 1990 and was reported to the Federal Election Commission ("FEC") by the DNC on October 22, 1990.

You indicated in your letter that Mrs. Bingham may have inadvertently exceeded the annual aggregate limit on contributions imposed by the Federal Election Campaign Act of 1971, as amended. In order to rectify this error, you have asked that the DNC treat Mrs. Bingham's $20,000 contribution as a contribution in connection solely with non-federal elections and that the DNC transfer a like amount, representing her contribution, from the DNC's federal to its non-federal account.

Pursuant to your request, on November 26, 1990, the DNC transferred $20,000, which represents Mrs. Bingham's contribution to the DNC's federal account, from its federal to its non-federal account. The DNC will report this transfer to the FEC on its Post General Election filing on December 6, 1990.

9 4 0 3 0 9 7 4 4 1 8

430 South Capitol Street, S.E. Washington, D.C. 20003 (202) 863-8000
Paid for by the Democratic National Committee. Contributions to the Democratic National Committee are not tax deductible.
Printed on Recycled Paper

The DNC very much appreciates Mrs. Bingham's long standing support, and we are, of course, happy to assist in this matter.

Sincerely,

Hartina Flournoy
Senior Counsel

9403097441 9

MARY C. BINGHAM 07-88
4309 GLENVIEW
GLENVIEW, KY 40025

21-13/830
10761

July 8 19 88

Pay to the order of The Harvey Sloane Exploratory Committee for Senate 2,000

Two Thousand ~~00~~/100 Dollars

Liberty National Bank
And Trust Company of Louisville, Kentucky

Mary C. Bingham

[redacted]

CLARK CHECKS

9 4 0 3 0 9 7 4 4 2 0

⑈10076594⑈

21-131
REPUBLIC BANK & TRUST CO.
LOUISVILLE, KY
PAY ANY BANK

JY 88

PAY TO THE ORDER OF
REPUBLIC BANK & TRUST COMPANY
LOUISVILLE, KY
FOR DEPOSIT ONLY
THE HARVEY SLOANE FOR SENATE
EXPLORATORY COMMITTEE
⑆083004314⑆ 20⑈5794⑈00

00 07-22-88 1424 5117002372

06C 9763

PERKINS COIE

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

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JAN -9 AM 11:31

January 9, 1991

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

Re: MUR 3175 - Democratic Senatorial Campaign Committee and G. Wayne Smith, as Treasurer

Attention: Noriega James

Dear Mr. Noble:

This letter is an additional response to your notification dated November 28, 1990, that a complaint had been filed against the above Respondent.

As a result of the complaint, the Democratic Senatorial Campaign Committee ("DSCC") undertook a thorough review of its contributor records relating to Mary C. Bingham. In addition to the $300 contribution that the Committee refunded on December 10, 1990, the review has revealed that an additional $150 contribution was made by Mrs. Bingham through the Democratic Congressional Dinner Committee. As a result, on December 14, 1990, the DSCC refunded an additional $150 to Mrs. Bingham. A copy of this refund check is attached. The refund will be reported on the DSCC's next regularly scheduled FEC report.

Once again, the DSCC urges that the Commission take no further action in this matter. The amount of the contribution in question is minimal, and the DSCC has taken all steps to completely correct the matter.

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

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel to Respondents

0001m/42

9403097442 1

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE
OPERATING ACCOUNT
430 S. CAPITOL ST., S.E. · PH. 202-224-2447
WASHINGTON, D.C. 20003

SOVRAN BANK
DC NATIONAL

7230

December 14 19 90

PAY One Hundred fifty and xx/100 DOLLARS $ 150.00

TO THE ORDER OF
Mary C. Bingham
4309 Glenview
Glenview, KY 40025

Thomas J. Fehner

⑈007230⑈ ⑆054001204⑆ 272666 2⑈

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE - FORM WVCP-3 V-2

DATE	DESCRIPTION	AMOUNT
12/14/90	contribution refund	150.00

06C9782

Democratic National Committee

Robert A. Farmer
Treasurer

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JAN 10 PM 5:21

January 8, 1991

HAND DELIVER

Lawrence M. Noble, Esq.
Federal Election Commission
999 E Street, N.W.
Room 657
Washington, D.C. 20463

Dear Mr. Noble:

Thank you for your letter of November 28, 1990 bringing MUR 3175 to my attention. This complaint, filed by the Center For Responsive Politics on November 16, 1990, alleges that Mary C. Bingham made aggregate political contributions in violation of the Federal Election Campaign Act ("FECA"), 2 U.S.C. § 431 et. seq., as amended. The complaint alleges that a variety of contributions were made by the respondent in 1988 and 1990, including contributions to the Democratic National Committee ("DNC"). Of course, it is impossible for any particular party committee and/or candidate to be charged with the knowledge of an individual contributor's aggregate federal contributions. Thus, although the DNC is not a party to this matter, nor is there any specific allegation of wrongdoing by the DNC, we shall fully cooperate in your investigation.

Please do not hesitate to contact me if we can be of further assistance in this matter.

Sincerely,

Robert A. Farmer
Treasurer

cc: Christine A. Varney
General Counsel

9403097442 3

430 South Capitol Street, S.E. Washington, D.C. 20003 (202) 863-8000
Paid for by the Democratic National Committee. Contributions to the Democratic National Committee are not tax deductible as charitable contributions for Federal income tax purposes.

OGC 0288

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 MAR -8 PM 12: 20

March 6, 1991

Lawrence M. Noble, Esq.
General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

re: MUR 3175

Dear Mr. Noble:

On November 16, 1990, the Center for Responsive Politics filed a complaint (MUR 3175), charging Mary C. Bingham of Glenview, Kentucky, with violating the Federal Election Campaign Act, 2 U.S.C. Sec. 431 et seq., as amended, by making aggregate contributions in excess of the limits provided by the law.

I write today to inquire about the status of this complaint and how soon a resolution of the case might be expected. I hope to hear from you soon.

Sincerely,

Ellen S. Miller

Ellen S. Miller
Executive Director

9 4 0 3 0 9 7 4 4 2 4

1320 Nineteenth Street, N.W., Washington, D.C. 20036, 202/857-0044

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1991

Ellen S. Miller, Executive Director
Center for Responsive Politics
1320 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 3175

Dear Ms. Miller:

This is in response to your letter dated March 6, 1991, in which you request information pertaining to the complaint you filed on November 16, 1990, with the Federal Election Commission.

The Federal Election Campaign Act of 1971, as amended ("the Act") prohibits any person from making public the fact of any notification or investigation by the Commission, prior to closing the file in the matter, unless the parties being investigated have agreed in writing that the matter be made public. See 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A). Because there has been no written agreement that the matter be made public, we are not in a position to release any information at this time.

As you were informed by letter dated November 28, 1991, we will notify you as soon as the Commission takes final action on your complaint.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

9403097442 5

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 3175
DATE COMPLAINT RECEIVED
BY OGC: November 16, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: November 28, 1990

9403097444 26

MUR 3175

COMPLAINANT: Center for Responsive Politics

RESPONDENTS: Mary C. Bingham

DNC Services Corporation and Robert A. Farmer, as treasurer

Democratic Senatorial Campaign Committee and G. Wayne Smith, as treasurer

9403097442 7

RELEVANT STATUTES:

2 U.S.C. § 441a

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

9 4 0 3 0 9 7 4 4 2 8

B. MUR 3175

On November 16, 1990, a complaint was filed by Ellen S. Miller, executive director of the Center for Responsive Politics, against Mary C. Bingham, the DNC, and the Democratic Senatorial Campaign Committee ("DSCC"). The complaint alleges that Ms. Bingham violated the $25,000 annual contribution limitation for individuals at 2 U.S.C. § 441a(a)(3) in the 1988 and 1990 calendar years and made a $300 excessive contribution to the DSCC in 1990 and a $1,000 excessive contribution to the DNC in 1988. Responses were received from the DSCC on December 12, 1990, from Ms. Bingham on January 4, 1991, and from the DNC on January 10, 1991.

9403097429

NOTICE

PAGES 5 - 34

CONTAIN INFORMATION THAT DOESN'T PERTAIN TO THESE RESPONDENTS

9403097443 0

9 4 0 3 0 9 7 4 4 3 1

III. FACTUAL AND LEGAL ANALYSIS IN MUR 3175

The complainant in MUR 3175 alleges that Mary C. Bingham made contributions to federal candidates and political committees that exceeded the Act's annual $25,000 limitation by $5,500 in 1988 and $32,700 in 1990 and made an excessive contribution of $1,000 to the DNC in 1988 and of $300 to DSCC in 1990. Counsel for Mrs. Bingham, an 86-year-old widow, does not contest the allegation that she exceeded these limitations. Instead, he points out the

background in which she made these contributions and her reliance on representations by the soliciting organizations regarding the legality of her contributions. He states that at "no time did anyone soliciting her for political contributions apprise her of the $25,000 annual aggregate limitation under the Act."

He further points out that prior to the filing of the complaint Mrs. Bingham, through her personal attorney, asked the DNC to treat her $20,000 in 1990 as made for nonfederal purposes and to transfer it to the DNC's nonfederal account. She also requested a refund of a substantial portion of her contribution to the DSCC. He notes that in doing so she believed she would bring her 1990 contributions within the $25,000 limitation. In this regard, he further disputes the complainant's inclusion of Mrs. Bingham's $2,000 contribution to Harvey Sloane's exploratory committee in 1988. He argues that in the absence of clear regulatory guidance how contributions to an exploratory committee are to be treated for purposes of the $25,000 annual limitation, this $2,000 contribution should not be included in the violation.[20] He further argues that Mrs. Bingham's age and her reliance on the advice of others are mitigating circumstances that he posits have been sufficient for the Commission to take no

9 4 0 3 0 9 7 4 4 3 2

---

20. We note, however, that the Commission's regulations at 11 C.F.R. §§ 100.7(b)(1) and 101.3 make it sufficiently clear that contributions for testing the waters purposes become contributions under the Act once the individual becomes a candidate. Therefore, once Harvey Sloane became a candidate under the Act, these contributions became contributions under the Act and subject to the $25,000 annual contribution limitation.

further action in other matters. Nevertheless, he adds that Mrs. Bingham requests preprobable cause conciliation to resolve this matter.

Counsel for the DSCC notes that it refunded the $300 excessive portion of Mrs. Bingham's 1990 contribution. Mrs. Bingham's counsel points out that the DSCC has not responded to her request that it refund a substantial portion ($12,000) of her $20,000 contribution. He included a copy of a letter dated November 16, 1990, to Senator Charles S. Robb, chairman of the DSCC, making this request. Counsel for the DSCC makes no reference to this request. The treasurer of the DNC responded and noted that it is impossible for any party committee or candidate to be charged with the knowledge of an individual contributor's aggregate federal contributions. He asserts there is no specific allegation of wrongdoing by the DNC in the complaint. This Office notes that although the complainant did not expressly list the DNC in the caption of the complaint, the complainant did allege that Mrs. Bingham made $21,000 in contributions to the DNC in 1988 that exceeded her limitation with respect to the DNC by $1,000. Inherent in that allegation is the allegation that the DNC has knowingly accepted an excessive contribution.

Based on the complaint and responses, there is reason to believe that Mary C. Bingham violated 2 U.S.C. §§ 441a(a)(1)(B) and 441a(a)(3), that the Democratic Senatorial Campaign Committee and G. Wayne Smith, as treasurer, violated 2 U.S.C. § 441a(f), and that the DNC Services Corporation and Robert A. Farmer, as

9403097443 3

treasurer, also violated 2 U.S.C. § 441a(f). Because the amount involved with respect to the DSCC is only $300, which has been refunded, we further recommend that the Commission take no further action with respect to the DSCC. We further recommend that the Commission decline at this time to enter into preprobable cause conciliation with Mary C. Bingham on these violations

IV. RECOMMENDATIONS

1.

2.

3.

4. **Find reason to believe Mary C. Bingham violated 2 U.S.C. § 441a.**

5.

6. **Find reason to believe the Democratic National Committee and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441a(f).**

7.

8. Find reason to believe the Democratic Senatorial Campaign Committee and G. Wayne Smith, as

9403097434

treasurer, violated 2 U.S.C. § 441a(f) but take no further action and close the file as it pertains to these respondents.

9.

10. Approve the attached factual and legal analyses.

11. Decline at this time to enter into conciliation with Mary C. Bingham prior to a finding of probable cause to believe.

12.

13. Approve the appropriate letters.

5/6/91
Date

Lawrence M. Noble
General Counsel

9403097443 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3175
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
Mary C. Bingham.	)	

9403097444336

CERTIFICATION

I, Marjorie W. Emmons, recording secretary of the Federal Election Commission executive session on May 14, 1991, do hereby certify that the Commission took the following actions with respect to MUR 3175

1. Decided by a vote of 5-1 to

A.

B.

(continued)

C.

D. Find reason to believe Mary C. Bingham violated 2 U.S.C. § 441a.

E.

F. Find reason to believe the Democratic National Committee and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441a(f).

G.

H. Find reason to believe the Democratic Senatorial Campaign Committee and G. Wayne Smith, as treasurer, violated 2 U.S.C. § 441a(f) but take no further action and close the file as it pertains to these respondents.

9403097443 7

I.

J. Approve the factual and legal analyses as recommended in the General Counsel's report dated May 6, 1991.

K. Decline at this time to enter into conciliation with Mary C. Bingham prior to a finding of probable cause to believe.

L. Approve the appropriate letters as recommended in the General Counsel's report dated May 6, 1991.

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

2.

(continued)

9403097443 8

3. Decided by a vote of 6-0 to reconsider the previous actions taken on May 14, 1991.

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

(Please note that this matter was then considered further on Thursday, May 16, 1991 at a continuation of this meeting.)

Attest:

5-20-91
Date

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

9403097443 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3175
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
Mary C. Bingham.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 21, 1991, do hereby certify that the Commission took the following actions in the above-captioned matters:

1.

(continued)

9403097444 0

2. Failed in a vote of 2-3 to pass a motion to find reason to believe Mary C. Bingham violated 2 U.S.C. § 441a.

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

3. Decided by a vote of 5-0 to

   a) Find reason to believe that Mary C. Bingham violated 2 U.S.C. §§ 441a(a)(1)(B) and 441a(a)(3);

   b) Take no action at this time with regard to Mary C. Bingham's contribution to the Democratic National Committee; and

   c) Modify the Factual and Legal Analysis for Mary C. Bingham (attached to the General Counsel's report dated May 6, 1991) pursuant to the meeting discussion of May 21, 1991.

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

4.

(continued)

9403097444 1

5.

9 4 0 3 0 9 7 4 4 4 2

(continued)

6. Failed in a vote of 2-3 to pass a motion to find reason to believe the Democratic National Committee and Robert Farmer, as treasurer, violated 2 U.S.C. § 441a(f).

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

7. Decided by a vote of 5-0 to

   a) Find reason to believe the Democratic National Committee and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441a(f) as relates to the original allegations in MUR 3175

   b) Modify the Factual and Legal Analysis for the Democratic National Committee and Robert A. Farmer, as treasurer, (attached to the General Counsel's report dated May 6, 1991) pursuant to the discussion held during the meeting on May 21, 1991.

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

(continued)

9403097444 3

8.

9 4 0 3 0 9 7 4 4 4 4

Attest:

May 22, 1991
Date

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1991

Christine A. Varney, Esquire
Hogan & Hartson
Columbia Square Building
555 13th Street, N.W.
Washington, D.C. 20004

MUR 3175
Democratic National Committee

Dear Ms. Varney:

On November 28, 1990 and December 4, 1990, the Federal Election Commission notified your client of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on May 21, 1991, found that there is reason to believe the Democratic National Committee violated 2 U.S.C. § 441a(f), a provision of the Act, with respect to the allegations in MUR 3175.

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 Democratic National Committee. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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

9403097444 5

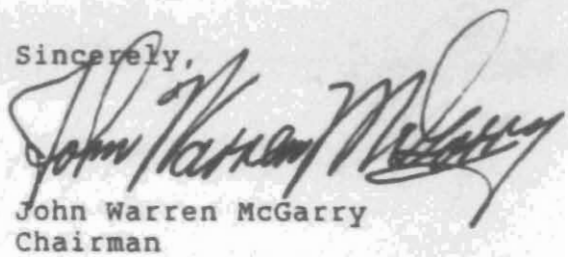
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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

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 Elizabeth Campbell or Jeffrey Long, the staff members assigned to this matter, at (202) 376-8200.

Sincerely,



John Warren McGarry
Chairman

Enclosures
Factual & Legal Analysis

cc: John C. Keeney, Jr., Esquire
L. Anthony Sutin, Esquire

9403097444 6

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Democratic National Committee
and Robert A. Farmer, as treasurer

This matter was generated

by a

complaint filed by Ellen S. Miller, executive director of the Center for Responsive Politics

The complainant in MUR 3175 alleges that the DNC Services Corporation knowingly accepted an excessive contribution of $1,000 from Mary C. Bingham in 1988. The complaint identified contributions of $1,000 on September 15, 1988, and $20,000 on October 3, 1988. The complaint noted that the latter contribution was apparently mistakenly reported by the DNC Services Corporation as made in the name of Mr. M C Binghan of Glenview, Kentucky. The treasurer of the DNC responded and asserted there is no specific allegation of wrongdoing by the DNC in the complaint. Although the complainant did not expressly list the DNC in the caption of the complaint, the complainant did allege that Mrs. Bingham made $21,000 in contributions to the DNC in 1988 that exceeded her limitation with respect to the DNC by $1,000. Inherent in that allegation is the allegation that the DNC has knowingly accepted an excessive contribution.

9403097444 7

Based on the complaint and responses, there is reason to believe that the DNC Services Corporation and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441a(f).

9 4 0 3 0 9 7 4 4 4 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1991

Robert F. Bauer, Esquire
Judith L. Corley, Esquire
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

MUR 3175
Democratic Senatorial
Campaign Committee and G.
Wayne Smith, as treasurer

Dear Mr. Bauer:

On May 21, 1991, the Federal Election Commission found reason to believe that your clients, the Democratic Senatorial Campaign Committee and G. Wayne Smith, as treasurer, violated 2 U.S.C. § 441a(f) a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to your clients. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that accepting contributions which exceed the limitations as prescribed by the Act is a violation of 2 U.S.C. § 441a(f). Your clients should take immediate steps to insure that this activity does not occur in the future.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within ten days of your receipt of this letter. Such materials should be sent to the Office of the General Counsel.

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

9403097444 9

If you have any questions, please direct them to Elizabeth Campbell or Jeffrey Long, the staff members assigned to this matter, at (202) 376-8200.

Sincerely,

John Warren McCarry
Chairman

Enclosure
Factual and Legal Analysis

9403097444 50

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Democratic Senatorial
Campaign Committee and
G. Wayne Smith, as treasurer

This matter was generated on November 16, 1990, by a complaint filed by Ellen S. Miller, executive director of the Center for Responsive Politics.

The complainant in MUR 3175 alleges that the Democratic Senatorial Campaign Committee knowingly received an excessive contribution of $300 from Mary C. Bingham in 1990. Mrs. Bingham requested a refund of a substantial portion of her total contributions to the DSCC to bring her 1990 contributions within the $25,000 limitation. Counsel for the DSCC notes that it refunded the $300 excessive portion of Mrs. Bingham's 1990 contribution. The DSCC has apparently not responded to her request that it refund a substantial portion ($12,000) of her $20,000 contribution. A letter dated November 16, 1990, to Senator Charles S. Robb, chairman of the DSCC, made this request. Counsel for the DSCC makes no reference to this request.

Based on the complaint and responses, there is reason to believe that the Democratic Senatorial Campaign Committee and G. Wayne Smith, as treasurer, violated 2 U.S.C. § 441a(f).

9403097445 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1991

Joseph A. Rieser, Jr., Esquire
Reed Smith Shaw & McClay
1200 Eighteenth Street, N.W.
Washington, D.C. 20036

MUR 3175
Mary C. Bingham

Dear Mr. Rieser:

On November 28, 1990 and December 4, 1990, the Federal Election Commission notified your client, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on May 21, 1991, found that there is reason to believe Mary C. Bingham violated 2 U.S.C. §§ 441a(a)(1)(B) and 441a(a)(3), provisions of the Act, regarding the allegations in MUR 3175.

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 your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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

9403097445 2

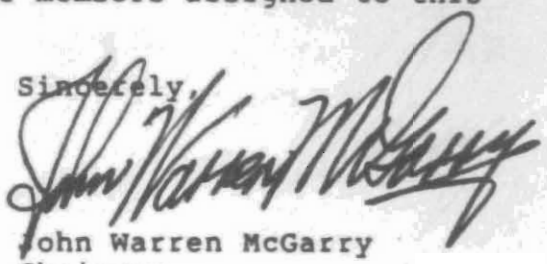
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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

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 Elizabeth Campbell or Jeffrey Long, the staff members assigned to this matter, at (202) 376-5690.

Sincerely,



John Warren McGarry
Chairman

Enclosures
Factual & Legal Analysis

9403097445 3

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Mary C. Bingham **MUR:**

This matter was generated by a complaint filed by Ellen S. Miller, executive director of the Center for Responsive Politics, as MUR 3175.

The complainant in MUR 3175 alleges that Mary C. Bingham made contributions to federal candidates and political committees that exceeded the Act's annual $25,000 limitation by $5,500 in 1988 and $32,700 in 1990 and made an excessive contribution of $1,000 to the DNC in 1988 and of $300 to DSCC in 1990. Counsel for Mrs. Bingham does not contest the allegation that she exceeded these limitations. Instead, he points out the background in which she made these contributions and her reliance on representations by the soliciting organizations regarding the legality of her contributions. He states that at "no time did anyone soliciting her for political contributions apprise her of the $25,000 annual aggregate limitation under the Act."

He further points out that prior to the filing of the complaint Mrs. Bingham, through her personal attorney, asked the DNC to treat her $20,000 in 1990 as made for nonfederal purposes and to transfer it to the DNC's nonfederal account. She also requested a refund of a substantial portion of her contribution to the DSCC. He notes that in doing so she believed she would bring her 1990 contributions within the $25,000 limitation. In this regard, he further disputes the complainant's inclusion of

9 4 0 3 0 9 7 4 4 5 4

Mrs. Bingham's $2,000 contribution to Harvey Sloane's exploratory committee in 1988. He argues that in the absence of clear regulatory guidance how contributions to an exploratory committee are to be treated for purposes of the $25,000 annual limitation, this $2,000 contribution should not be included in the violation. The Commission's regulations at 11 C.F.R. §§ 100.7(b)(1) and 101.3 make it sufficiently clear that contributions for testing the waters purposes become contributions under the Act once the individual becomes a candidate. Therefore, once Harvey Sloane became a candidate under the Act, these contributions became contributions under the Act and subject to the $25,000 annual contribution limitation.

The DSCC has refunded the $300 excessive portion of Mrs. Bingham's 1990 contribution. Mrs. Bingham's counsel points out that the DSCC has not responded to her request that it refund a substantial portion ($12,000) of her $20,000 contribution. He included a copy of a letter dated November 16, 1990, to Senator Charles S. Robb, chairman of the DSCC, making this request.

Based on the complaint and responses, there is reason to believe that Mary C. Bingham violated 2 U.S.C. §§ 441a(a)(1)(B) and 441a(a)(3).

9403097445 5

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)
	)
Mary C. Bingham	)
	)
Democratic National Committee and Robert T. Matsui, as treasurer	)

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

This report presents recommendations to assure that this matter conforms to the court's opinion in FEC v. NRA Political Victory Fund, et al., No. 91-5360 (D.C. Cir. Oct. 22, 1993), and makes additional recommendations

based on information ascertained during the investigation.

II. BACKGROUND

9403097744456

The Complainant in MUR 3175 alleges that Mary C. Bingham exceeded the $25,000 personal annual limitation in both 1988 and 1990, and that she also made excessive contributions to both the Democratic National Committee ("DNC") and the Democratic Senatorial Campaign Committee ("DSCC"). These allegations included a $20,000 contribution by Respondent to the federal account of the DNC in October 1990.

9 4 0 3 0 9 7 4 4 5 7

9 4 0 3 0 9 7 4 4 5 8

III. **RECOMMENDED ACTIONS IN LIGHT OF FEC v. NRA**

Consistent with the Commission's November 9, 1993 decisions concerning compliance with the NRA opinion, and based on the complaints filed in this matter and responses thereto, this

Office recommends that the Commission revote its earlier determinations

(1) find reason to believe that Mary Bingham violated 2 U.S.C. §§ 441a(a)(1) and 441a(a)(3);

(2) find reason to believe that the DNC and its treasurer violated 2 U.S.C. § 441a(f);

(3) approve the factual and legal analyses as previously sent to the DNC on June 11, 1991

IV. ANALYSIS

This analysis is divided into two sections. The first section analyzes the excessive contributions that were alleged in the complaint in MUR 3175. Based on the complaint, responses, and the investigation, this report assesses:

Whether Mrs. Bingham's 1988 and 1990 contributions were in excess of the $25,000 aggregate limit, allowed per year;

Whether Mrs. Bingham's 1988 and 1990 contributions to the DNC were in excess of the $20,000 limit allowed, per year, as contributions to a national political party

9 4 0 3 0 9 7 4 4 5 9

A. EXCESSIVE CONTRIBUTIONS

The Federal Election Campaign Act, as amended, (the "Act") provides that no individual shall make contributions to candidates and political committees that aggregate more than $25,000 in any calendar year. 2 U.S.C. § 441a(a)(3); 11 C.F.R. § 110.5. Any contribution to a candidate, or his or her authorized committee, counts against the contributor's annual limit for the year of the election for which the contribution is made. 11 C.F.R. § 110.5(c)(2). Any contribution made to a party committee or a political action committee counts against the contributor's annual limit for the year in which the contribution is made. 11 C.F.R. § 110.5(c)(3).

Further, the Act provides that no person may make contributions (1) to any federal candidate that exceed an aggregate of $1,000 per election, (2) to any national party committee that exceed an aggregate of $20,000 in any calendar year, or (3) to any other political committee that exceed an aggregate of $5,000 in any calendar year. 2 U.S.C. § 441a(a)(1).

9403097446 0

Mrs. Bingham's 1988 and 1990 contributions are the subject of the allegations in MUR 3175. According to the Commission databases, Mrs. Bingham made the following contributions, applicable toward her 1988 individual contributor limitation:

Contribution to	Date	Amount	P/G*
R.L. Mazzoli Campaign Fund	03/31/88	$ 500	P
R.L. Mazzoli Campaign Fund	05/27/88	1,000	G
Albert Gore Jr. for President	07/13/88	500	P
Albert Gore Jr. for President	07/29/88	500	P
DNC	09/15/88	1,000[5]	-
DCCC	09/26/88	2,000	-
KSDCEC	10/01/88	5,000	-
DNC	10/03/88	20,000	-
	TOTAL	30,500	

According to the Commission databases, Mrs. Bingham made the following contributions, which are applicable toward her 1990 individual contributor limitation:

Contribution to	Date	Amount	P/G*
Sloane for Senate Committee	07/08/88	$2,000	P
Friends of Senator Carl Levin	11/27/89	1,000	P
Friends of Senator Carl Levin	11/27/89	1,000	G
Bill Bradley for US Senate '90	11/30/89	1,000	P
Bill Bradley for US Senate '90	11/30/89	1,000	G
Friends of Senator Rockefeller	12/05/89	500	P
Democrats for the 90's	02/22/90	5,000	-
Friends of Senator Rockefeller	04/16/90	500	P
Friends of Senator Rockefeller	04/16/90	500	G
DSCC	06/27/90	20,000	-
Galen Martin for Congress	07/03/90	200	-
DSCC	08/23/90	300	-
Galen Martin for Congress	08/24/90	100	-
Friends of Senator Carl Levin	09/13/90	[100]**	-
KSDCEC	09/17/90	5,000	-
DNC	10/11/90	20,000	-
	TOTAL	58,000	

*Designated to the primary (P) or general (G) election.
**Indicates refund to contributor.

5. The DNC report lists the contributor as "Mr. M C Bingham" [sic] of "Glenview, Ky 40025".

9403097446 1

Mrs. Bingham made contributions to federal candidates and political committees that exceeded her $25,000 annual limitation by $5,500 in 1988 and $33,000 in 1990. Mrs. Bingham also made contributions to federal candidates and political committees that were excessive in the amounts of $1,000 to the DNC in 1988, $300 to DSCC in 1990

These excessive contributions by Mrs. Bingham are clearly supported by the evidence. Furthermore, in her response, Mrs. Bingham conceded that she "inadvertently and unintentionally exceeded the annual aggregate limitation," and in fact requested conciliation on that issue.

9403097446 2

NOTICE

PAGES 8 - 16

CONTAIN INFORMATION THAT DOESN'T PERTAIN TO THESE RESPONDENTS

9403097446 3

9 4 0 3 0 9 7 4 4 6 4

VI. RECOMMENDATIONS

(1) Find reason to believe that Mary C. Bingham violated 2 U.S.C. §§ 441a(a)(1) and 441a(a)(3).

(2) Find reason to believe that the Democratic National Committee and Robert T. Matsui, as treasurer violated 2 U.S.C. § 441a(f).

(3) Approve the factual and legal analyses as previously sent to the Democratic National Committee and Robert T. Matsui, as treasurer, on June 11, 1991

(4) Approve the attached factual and legal analysis for Mary C. Bingham.

(5) Enter into conciliation prior to a finding of probable cause to believe with Mary C. Bingham, and with the Democratic National Committee and Robert T. Matsui, as treasurer.

(6)

(7) Approve the attached conciliation agreements.

(8) Approve the appropriate letters.

1/28/94
Date

LMNoble (TRD)
Lawrence M. Noble
General Counsel

9403097446 5

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARDY
COMMISSION SECRETARY

DATE: FEBRUARY 3, 1994

SUBJECT: GENERAL COUNSEL'S REPORT
DATED JANUARY 28, 1994.

The above-captioned document was circulated to the Commission on Monday, January 31, 1994 at 4:00 P.M.

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

Commissioner Aikens	
Commissioner Elliott	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Potter	XX
Commissioner Thomas	XX

This matter will be placed on the meeting agenda for Tuesday, February 8, 1994.

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

9403097446 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mary C. Bingham;)
)
Democratic National Committee and)
Robert T. Matsui, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on February 15, 1994, do hereby certify that the Commission took the following actions

1. Decided by a vote of 6-0 to

a) Find reason to believe that Mary C. Bingham violated 2 U.S.C. §§ 441a(a)(1) and 441a(a)(3).

b) Find reason to believe that the Democratic National Committee and Robert T. Matsui, as treasurer, violated 2 U.S.C. § 441a(f).

c) Approve the factual and legal analyses as previously sent to the Democratic National Committee and Robert T. Matsui, as treasurer, on June 11, 1991

(continued)

9403097446 7

d) Approve the factual and legal analysis for Mary C. Bingham as recommended in the General Counsel's report dated January 28, 1994

e) Enter into conciliation prior to a finding of probable cause to believe with Mary C. Bingham, and with the Democratic National Committee and Robert T. Matsui, as treasurer.

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

2.

(continued)

9 4 0 3 0 9 7 4 4 6 8

3. Decided by a vote of 6-0 to approve the conciliation agreements recommended in the General Counsel's report dated January 28, 1994

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

4. Decided by a vote of 6-0 to approve the appropriate letters, as recommended in the General Counsel's report dated January 28, 1994.

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

Attest:

2-18-94
Date

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

9403097446 9

RECEIVED
F.E.C.
COMMISSION

94 FEB 22 PM 1:27

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)
	)
Mary C. Bingham	)
	)
Democratic National Committee and Robert T. Matsui, as treasurer	)

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

Upon further review of this matter, which was discussed at the February 15, 1994 Executive Session Meeting, this Office recommends modification of the Commission's approval of certain actions previously recommended by this office. This report explains the proposed approach and recommends that the Commission rescind or amend certain actions taken during its February 15, 1994 Executive Session Meeting, in order to proceed accordingly.

II. BACKGROUND

The Complainant in MUR 3175 alleged that Mary C. Bingham

9403097447 0

exceeded the $25,000 personal annual limitation in both 1988 and 1990, and that she also made excessive contributions to both the Democratic National Committee ("DNC") and the Democratic Senatorial Campaign Committee ("DSCC").[2] These allegations included a $20,000 contribution by Mrs. Bingham to the federal account of the DNC in October 1990.

9 4 0 3 0 9 7 4 4 7 1

2. On May 21, 1991, the Commission voted to find reason to believe that the DSCC violated 2 U.S.C. § 441a(f), but took no further action and closed the file with respect to DSCC.

On February 15, 1994,[5] the Commission re-voted the reason to believe findings against Mrs. Bingham and the DNC and its treasurer, and approved the Factual and Legal Analyses previously sent to the DNC, to assure conformance with the court's opinion in FEC v. NRA Political Victory Fund, et al., No. 91-5360 (D.C. Cir. October 22, 1993). The Commission approved a new Factual and Legal Analysis for Mrs. Bingham. Further, the Commission voted to enter into conciliation prior to a finding of probable cause to believe with Mrs. Bingham and the DNC and its treasurer, and approved conciliation agreements.

9403097447 2

III. DISCUSSION

A. Rescission of action

5. The General Counsel's Report, dated January 28, 1994, outlines the history of the Commission's actions in this matter prior to this date.

However, this Office is considering whether additional investigation is necessary with respect to the remaining issues in this matter.[7]

9 4 0 3 0 9 7 4 4 7 3

7. If it is determined that further investigation is needed, this Office will present, prior to further investigation, a report to the Commission containing recommendations to re-vote reason to believe findings against the other respondents in this matter, to assure conformance with the court's opinion in NRA.

9 4 0 3 0 9 7 4 4 7 4

this Office recommends that the Commission amend its February 15, 1994 determination to find reason to believe that the Democratic National Committee and Robert T. Matsui, as treasurer, violated 2 U.S.C. § 441a(f)

See, General Counsel's Report dated January 28, 1994, recommendation 2. Thus, this Office recommends that the Commission rescind its February 15, 1994 determination to approve the Factual and Legal Analyses as previously sent to the DNC on June 11, 1991 and on October 2, 1992. See, General Counsel's Report dated January 28, 1994, recommendation 3. This Office recommends that the Commission approve the attached Factual and Legal Analysis to the DNC,

this Office recommends that the Commission rescind its February 15, 1994 approval of the Factual and Legal Analysis for Mrs. Bingham. See, General Counsel's Report dated January 28, 1994, recommendation 4 and attachment 2. This

9403097447 5

Office recommends that the Commission approve the attached Factual and Legal Analysis to Mrs. Bingham

This Office further recommends that the Commission amend its earlier determination to enter into conciliation with Mrs. Bingham and the DNC

See, General Counsel's Report dated January 28, 1994, recommendation 5. Additionally, this Office recommends that the Commission amend its earlier determination to approve conciliation agreements

See, General Counsel's Report dated January 28, 1994, recommendation 7 and attachment 3.

9 4 0 3 0 9 7 4 4 7 6

IV. RECOMMENDATIONS

(1) Rescind the Commission's February 15, 1994 determination to take no further action against the Democratic National Committee and Robert T. Matsui, as treasurer

(2)

(3) Amend the Commission's February 15, 1994 determination to find reason to believe that the Democratic National Committee and Robert T. Matsui, as treasurer, violated 2 U.S.C. § 441a(f)

(4) Rescind the Commission's February 15, 1994 determination to approve the Factual and Legal Analyses as previously sent to the Democratic National Committee and Robert T. Matsui, as treasurer, on June 11, 1991

(5) Approve the attached Factual and Legal Analysis for the Democratic National Committee and Robert T. Matsui, as treasurer.

(6) Rescind the Commission's February 15, 1994 approval of the Factual and Legal Analysis attached to the General Counsel's Report dated January 28, 1994.

(7) Approve the attached Factual and Legal Analysis for Mary C. Bingham.

(8)

(9) Amend the Commission's February 15, 1994 determination to enter into conciliation prior to a finding of probable cause to believe with Mrs. Bingham and the DNC

(10) Amend the Commission's February 15, 1994 determination to approve the conciliation agreements attached to the General Counsel's Report dated January 28, 1994

2/22/94
Date

Lawrence M. Noble
General Counsel

Attachment:
1. Factual and Legal Analysis for the DNC
2. Factual and Legal Analysis for Bingham

Staff: Tonda M. Phalen

9403097447 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS
COMMISSION SECRETARY

DATE: FEBRUARY 23, 1994

SUBJECT: GENERAL COUNSEL'S REPORT
DATED FEBRUARY 22, 1994.

The above-captioned document was circulated to the Commission on Tuesday, February 22, 1994 at 4:00 p.m. .

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

Commissioner Aikens _____

Commissioner Elliott _____

Commissioner McDonald _____

Commissioner McGarry _____

Commissioner Potter XXX

Commissioner Thomas _____

This matter will be placed on the meeting agenda for Thursday, March 3, 1994 (After the Open Meeting) .

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

9403097447 8

Statler

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mary C. Bingham;)
Democratic National Committee and)
Robert T. Matsui, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 3, 1994, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions

1. Rescind the Commission's February 15, 1994 determination to take no further action against the Democratic National Committee and Robert T. Matsui, as treasurer

2.

3. Amend the Commission's February 15, 1994 determination to find reason to believe that the Democratic National Committee and Robert T. Matsui, as treasurer, violated 2 U.S.C. § 441a(f)

(continued)

9403097447 9

4. Rescind the Commission's February 15, 1994 determination to approve the Factual and Legal Analyses as previously sent to the Democratic National Committee and Robert T. Matsui, as treasurer, on June 11, 1991

5. Approve the Factual and Legal Analysis for the Democratic National Committee and Robert T. Matsui, as treasurer, as recommended in the General Counsel's report dated February 22, 1994.

6. Rescind the Commission's February 15, 1994 approval of the Factual and Legal Analysis attached to the General Counsel's report dated January 28, 1994.

7. Approve the Factual and Legal Analysis for Mary C. Bingham as recommended in the General Counsel's report dated February 22, 1994.

8. Approve the Factual and Legal Analysis as previously sent to Mary C. Bingham on October 2, 1992.

9. Amend the Commission's February 15, 1994 determination to enter into conciliation prior to a finding of probable cause to believe with Mrs. Bingham and the DNC

(continued)

9403097448 0

10. Amend the Commission's February 25, 1994 determination to approve the conciliation agreements attached to the General Counsel's Report dated January 28, 1994

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

Attest:

3-4-94
Date

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

9403097448 1

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C.

MARCH 10, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph A. Rieser, Jr., Esquire
Reed, Smith, Shaw & McClay
1200 Eighteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 3175

Dear Mr. Rieser:

On June 11, 1991 you were notified that the Federal Election Commission found reason to believe that your client, Mary C. Bingham, violated 2 U.S.C. §§ 441a(a)(1)(B) and 441a(a)(3).

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), petition for cert. filed, (U.S. No. 93-1151, Jan. 18, 1994). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, 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 March 3, 1994, the Commission revoted to find reason to believe that Mary C. Bingham violated 2 U.S.C. §§ 441a(a)(1) and 441a(a)(3), on the basis of the complaint originally designated MUR 3175. The Factual and Legal Analysis, which formed a basis for the Commission's finding in MUR 3175, is attached for your information. The Commission also revoted to find reason to believe that your client violated

9403097448 2

2 U.S.C. §§ 441a(a)(1) and 441a(a)(3)

In addition, the Commission voted to enter into negotiations directed towards reaching a conciliation agreement in settlement of MUR 3175 prior to a finding of probable cause to believe, and approved the the enclosed proposed conciliation agreement.

If your client agrees with the provisions of the enclosed agreement, please sign and return it to the Commission. Please make the check for the civil penalty payable to the Federal Election Commission.

Given the unique circumstances engendered by the NRA decision, conciliation negotiations, prior to a finding of probable cause to believe, will be limited to a maximum of 30 days.

If you have any questions, please contact Tonda M. Phalen, the attorney assigned to these matters, at (202) 219-3400.

For the Commission,

Trevor Potter
Chairman

Enclosures
Factual and Legal Analysis (MUR 3175)
Conciliation Agreement

9403097448 3

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Mary C. Bingham **MUR:** 3175

This matter was generated by a complaint filed by Ellen Miller, executive director of the Center for Responsive Politics. The Complainant alleges that Mary C. Bingham ("Respondent") exceeded the $25,000 personal annual limitation in both 1988 and 1990, and that she also made excessive contributions to both the Democratic National Committee ("DNC") and the Democratic Senatorial Campaign Committee ("DSCC"). The complainant alleges that Respondent made contributions to federal candidates and political committees that exceeded the Act's annual $25,000 limitation by $5,500 in 1988 and $32,700 in 1990 and made an excessive contribution of $1,000 to the DNC in 1988 and of $300 to DSCC in 1990.[1]

The Federal Election Campaign Act, as amended, (the "Act") provides that no individual shall make contributions to candidates and political committees that aggregate more than $25,000 in any calendar year. 2 U.S.C. § 441a(a)(3); 11 C.F.R. § 110.5. Any contribution to a candidate, or his or her authorized committee, counts against the contributor's annual limit for the year of the election for which the contribution is

---

1. On May 21, 1991, upon receiving documentation regarding Mrs. Bingham's contributions to and refunds from DSCC, the Commission voted to find reason to believe that the DSCC violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from Mary Bingham, but took no further action and closed the file with respect to DSCC.

9403097444 84

made. 11 C.F.R. § 110.5(c)(2). Any contribution made to a party committee or a political action committee counts against the contributor's annual limit for the year in which the contribution is made. 11 C.F.R. § 110.5(c)(3).

Further, the Act provides that no person may make contributions (1) to any federal candidate that exceed an aggregate of $1,000 per election, (2) to any national party committee that exceed an aggregate of $20,000 in any calendar year, or (3) to any other political committee that exceed an aggregate of $5,000 in any calendar year. 2 U.S.C. § 441a(a)(1).

According to the Commission databases, Respondent made the following contributions, applicable toward her 1988 individual contributor limitation:

Contribution to	Date	Amount	P/G*
R.L. Mazzoli Campaign Fund	03/31/88	$ 500	P
R.L. Mazzoli Campaign Fund	05/27/88	1,000	G
Albert Gore Jr. for President	07/13/88	500	P
Albert Gore Jr. for President	07/29/88	500	P
DNC	09/15/88	1,000	-
DCCC	09/26/88	2,000	-
KSDCEC	10/01/88	5,000	-
DNC	10/03/88	20,000	-
	TOTAL	30,500	

*Attributable to the primary (P) or general (G) election.

According to the Commission databases, Respondent made the following contributions, which are applicable toward her 1990 individual contributor limitation:

Contribution to	Date	Amount	P/G*
Sloane for Senate Committee	07/08/88	$2,000	P
Friends of Senator Carl Levin	11/27/89	1,000	P
Friends of Senator Carl Levin	11/27/89	1,000	G
Bill Bradley for US Senate '90	11/30/89	1,000	P
Bill Bradley for US Senate '90	11/30/89	1,000	G

9403097448 5

(continued)

Friends of Senator Rockefeller	12/05/89	500	P
Democrats for the 90's	02/22/90	5,000	-
Friends of Senator Rockefeller	04/16/90	500	P
Friends of Senator Rockefeller	04/16/90	500	G
DSCC	06/27/90	20,000	-
Galen Martin for Congress	07/03/90	200	P
DSCC	08/23/90	300	-
Galen Martin for Congress	08/24/90	100	P
Friends of Senator Carl Levin	09/13/90	[100]**	-
KSDCEC	09/17/90	5,000	-
DNC	10/11/90	20,000	-
	TOTAL	58,000	

*Attributable to the primary (P) or general (G) election.
**Indicates refund to contributor.

Respondent's contribution to the Sloane for Senate Committee ("Sloane Committee") was initially made to Sloane's exploratory committee. Sloane became a senatorial candidate on September 15, 1988. Respondent's contribution was reported by the Sloane Committee in an amendment to their 1988 Year End Report. The contribution was reported as attributable to the primary election.

Commission regulations clearly provide that contributions for "testing the waters" purposes become contributions under the Act once the individual becomes a candidate. 11 C.F.R. §§ 100.7(b)(1) and 101.3. The Commission's Explanation and Justification of those provisions fully explains that the regulations "require that all funds received for 'testing the waters' must be subject to the Act's limitations and prohibitions." 50 Fed. Reg. 9994, March 13, 1985.

Thus, once Sloane became a candidate, the $2,000 contribution became a contribution under the Act and subject to the $25,000 annual contribution limitation. Additionally, in

9403097448 6

this instance, the contribution was an excessive contribution as to the Sloane Committee, because the entire amount was attributed to the primary election.

The evidence clearly shows that Respondent made contributions to federal candidates and political committees that exceeded her $25,000 annual limitation by $5,500 in 1988 and $33,000 in 1990. Respondent also made contributions to federal candidates and political committees that were excessive in the amounts of $1,000 to the DNC in 1988, and $1,000 to the Sloane Committee in the 1990 cycle.

Therefore, there is reason to believe that Mary C. Bingham violated 2 U.S.C. §§ 441a(a)(1) and 441a(a)(3).

9 4 0 3 0 9 7 4 4 8 7

FEDERAL ELECTION COMMISSION

MARCH 10, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John C. Keeney, Jr., Esquire
Hogan & Hartson
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109

RE: MUR 3175

Dear Mr. Keeney:

On June 11, 1991 you were notified that the Federal Election Commission found reason to believe that your client, the Democratic National Committee ("DNC"), violated 2 U.S.C. § 441a(f).

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), petition for cert. filed, (U.S. No. 93-1151, Jan. 18, 1994). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, 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 March 3, 1994, the Commission revoted to find reason to believe that the DNC violated 2 U.S.C. § 441a(f), on the basis of the complaint originally designated MUR 3175. The Factual and Legal Analysis, which formed a basis for the Commission's finding in MUR 3175, is attached for your information.

9403097448 8

In addition, the Commission voted to enter into negotiations directed towards reaching a conciliation agreement in settlement of MUR 3175 prior to a finding of probable cause to believe, and approved the the enclosed proposed conciliation agreement.

If your client agrees with the provisions of the enclosed agreement, please sign and return it to the Commission. Please make the check for the civil penalty payable to the Federal Election Commission.

Given the unique circumstances engendered by the NRA decision, conciliation negotiations, prior to a finding of probable cause to believe, will be limited to a maximum of 30 days.

If you have any questions, please contact Tonda M. Phalen, the attorney assigned to these matters, at (202) 219-3400.

For the Commission,

Trevor Potter
Chairman

Enclosures
Factual and Legal Analysis
Conciliation Agreement

9403097444 89

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Democratic National Committee and Robert T. Matsui, as treasurer **MUR:** 3175

This matter was generated by a complaint filed by Ellen Miller, executive director of the Center for Responsive Politics. Included in the allegations, the Complainant alleged that in 1988 Mary C. Bingham made an excessive contribution of $1,000 to the Democratic National Committee ("Respondent").

The Federal Election Campaign Act, as amended, (the "Act") provides that no person may make contributions to any national party committee that exceed an aggregate of $20,000 in any calendar year. The Act further prohibits a political committee from knowingly accepting any contribution in violation of the Act. 2 U.S.C. § 441a(f).

According to the reports filed by Respondent, Mrs. Bingham made a $1,000 contribution to Respondent on September 15, 1988, and a $20,000 contribution to Respondent on October 3, 1988. The evidence clearly shows that Respondent received contributions from Mrs. Bingham in excess of the limitation allowed by the Act.

Therefore, there is reason to believe that the Democratic National Committee and Robert T. Matsui, as treasurer, violated 2 U.S.C. § 441a(f).

9403097490

DEMOCRATIC ★ NATIONAL ★ COMMITTEE
David Wilhelm, Chairman

RECEIVED FEDERAL ELECTION COMMISSION
94 APR -1 AM 10: 19

March 31, 1994

RECEIVED FEDERAL ELECTION COMMISSION
94 MAR 31 PM 3: 16

HAND DELIVERED

Tonda Phalen, Esq.
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 3175

Dear Tonda:

Further to the Commissions's letter of March 10, 1994, enclosed are (1) a signed original of the Conciliation Agreement proposed by the Commission in the above-referenced MUR; and (2) a check for the amount of the civil penalty ($500).

If you have any questions or anything further needs to be done to close this MUR, please contact the undersigned at 202-863-7110.

Sincerely,

Joseph E. Sandler
General Counsel

JES:wrw
Enclosure
cc: John C. Keaney Jr., Esq. - w/enclosures

9403097449 1

Democratic Party Headquarters • 430 South Capitol Street, S.E. • Washington, D.C. 20003 • 202.863.8000 • FAX: 202.863.8091
Paid for by the Democratic National Committee. Contributions to the Democratic National Committee are not tax deductible.

OGC 745

FEDERAL RECEIVED ... 94 APR -1 PM 12:19

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 31, 1994

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Philomena Brooks PB
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from DNC NON-Federal Corporate Account, check number 7625, dated March 24, 1994, and in the amount of $500.00. 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.

TO: Philomena Brooks
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $500.00, the MUR number is 3175 and in the name of Democratic National Cmte. 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

4-1-94
Date

9403097444 92

DNC NON - FEDERAL
CORPORATE ACCOUNT
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

THE NATIONAL BANK OF WASHINGTON

7625

15-7/640 23

March 24, 1994

PAY Five Hundred Dollars and 00 Cents. DOLLARS $ 500.00

TO THE ORDER OF

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

TREASURER

⑈007625⑈ ⑆054000072⑆ 4⑈139⑈03⑈7⑈

RECEIVED
1994 APR 1 PM 12:
FEDERAL ELECTION COMMISSION

9 4 0 3 0 9 7 4 4 9 3

REED SMITH SHAW & MCCLAY

1200 18TH STREET, N.W.
WASHINGTON, D.C. 20036-2506

202-457-6100

PITTSBURGH, PA
PHILADELPHIA, PA
HARRISBURG, PA
McLEAN, VA
PRINCETON, NJ

FACSIMILE
202-457-6113
TELEX NO. 64711

WRITER'S DIRECT DIAL NUMBER

(202) 457-6139

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
APR 13 2 04 PM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
ACCOUNTING OFFICE
APR 13 5 20 PM '94

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
APR 14 12 12 PM '94

9403097444 94

April 13, 1994

HAND DELIVERY

Tonda M. Phalen, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **MUR 3175**

Dear Ms. Phalen:

Enclosed, per our conversations, is the proposed Conciliation Agreement received from your office in connection with MUR 3175, executed on behalf of Mary C. Bingham. Also enclosed is a check in payment of the fine set forth in the Agreement.

The violations described in the Conciliation Agreement were inadvertent and unintentional. Respondent made the contributions described in the Agreement in the belief that they were permissible under the applicable law. In doing so, she relied, in good faith and with no intent to make excessive contributions, upon information she received from time to time from those soliciting contributions regarding the amount that she could give. Had Respondent been informed of or otherwise been aware of the applicable limitations at the time of the contributions, she would have complied with them.

Very truly yours,

Joseph A. Rieser, Jr.

JAR/tli
Enclosure

OGC 954

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 14 12 12 PM '94

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 14, 1994

TWO WAY MEMORANDUM

TO: OGC, Docket

FROM: Philomena Brooks PB
Accounting Technician

SUBJECt: Account Determination for Funds Received

We recently received a check from Mary Bingham, check number 10299, dated April 5, 1994, and in the amount of $ 15,000.00. 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.

==========

TO: Philomena Brooks
Accounting Technician

FROM: OGC, Docket By aa

In reference to the above check in the amount of $15,000.00, the MUR number is 3175 and in the name of Mary Bingham. 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

4-14-94
Date

9403097449 5

9 4 0 3 0 9 7 4 4 9 6

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 14 12 12 PM '94

MARY C. BINGHAM 7-86
462 S. 4TH AVE.
STE. 2320 MEIDINGER TOWER
LOUISVILLE, KY 40202

Liberty National Bank
And Trust Company of Kentucky
Louisville, Ky

10299

21-013/830
0

April 5 19 94

PAY The sum of $15,000 and 00 cts DOLLARS $ 15,000.00

U.S. Federal Election Commission

TO THE ORDER OF

Jim Tallichet

[redacted]

RECEIVED
F.E.C.
SECRETARIAT
94 MAR 10 AM 9:15

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mary C. Bingham	)	MUR 3175
	)	
Democratic National Committee	)	
and Robert T. Matsui,	)	
as treasurer	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

To assure conformance with the court's opinion in FEC v. NRA Political Victory Fund, et al., No. 91-5360 (D.C. Cir. Oct. 22, 1993), on February 15, 1994, the Commission re-voted its earlier reason to believe findings against Mary C. Bingham, and the DNC and its treasurer (hereinafter, "Respondents"), on the basis of the allegations contained in the complaint originally designated as MUR 3175, and approved new Factual and Legal Analyses. Further, the Commission voted to enter into conciliation prior to a finding of probable cause to believe with Respondents on those issues, and approved conciliation agreements.

II. DISCUSSION

This Office has received, from both the Respondents, signed conciliation agreements and checks in payment of their

9403097497

respective civil penalties.

9 4 0 3 0 9 7 4 4 9 8

III. **RECOMMENDATIONS**

(1) Accept the signed agreement of the Democratic National Committee and Robert T. Matsui, as treasurer.

(2) Accept the signed agreement of Mary C. Bingham.

(3) Close the file.

Lawrence M. Noble
General Counsel

4/15/94
Date

BY: _____
Lois G. Lerner
Associate General Counsel

Attachments
1. DNC's signed conciliation agreement and copy of check for civil penalty.
2. Bingham's signed conciliation agreement and copy of check for civil penalty.

Staff: Tonda M. Phalen

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Mary C. Bingham;	)	MUR 3175
Democratic National Committee	)	
and Robert T. Matsui, as	)	
treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 21, 1994, the Commission decided by a vote of 6-0 to take the following actions in MUR 3175:

1. Accept the signed agreement of the Democratic National Committee and Robert T. Matsui, as treasurer, as recommended in the General Counsel's Report dated April 15, 1994.

2. Accept the signed agreement of Mary C. Bingham, as recommended in the General Counsel's Report dated April 15, 1994.

3. Close the file.

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

Attest:

4-21-94
Date

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

Received in the Secretariat: Mon., April 18, 1994 9:16 a.m.
Circulated to the Commission: Mon., April 18, 1994 11:00 a.m.
Deadline for vote: Thurs., April 21, 1994 4:00 p.m.

bjr

9403097449 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 25, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ellen S. Miller, Executive Director
Center for Responsive Politics
1320 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 3175

Dear Ms. Miller:

This is in reference to the complaint you filed with the Federal Election Commission on November 16, 1990, concerning possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Commission found that there was reason to believe that Mary C. Bingham violated 2 U.S.C. §§ 441a(a)(1)(A), 441a(a)(1)(B), and 441a(a)(3), and that the Democratic National Committee and Robert T. Matsui, as treasurer, violated 2 U.S.C. § 441a(f), provisions of the Act, and conducted an investigation in this matter. On April 21, 1994, conciliation agreements signed by the respondents were accepted by the Commission. Accordingly, the Commission closed the file in this matter on the same day. Copies of these agreements are enclosed for your information.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Tonda M. Phalen

Tonda M. Phalen
Staff Attorney

Enclosures
Conciliation Agreements (2)

9403097450 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 25, 1994

Joseph E. Sandler
General Counsel
Democratic National Committee
430 South Capitol Street, S.E.
Washington, D.C. 20003

RE: MUR 3175

Dear Mr. Sandler:

On April 21, 1994, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441a(f), a provision 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, as to the issues addressed in the conciliation agreement, 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.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See, 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Tonda M. Phalen

Tonda M. Phalen
Staff Attorney

Enclosure
Conciliation Agreement

9403097450 1

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
94 APR -1 AM 10: 19

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Democratic National Committee	)	MUR 3175
and Robert T. Matsui, as	)	
treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Ellen S. Miller, executive director of the Center for Responsive Politics (originally designated MUR 3175 and merged into MUR 3182). The Federal Election Commission ("Commission") found reason to believe that the Democratic National Committee and its treasurer ("Respondent") violated 2 U.S.C. § 441a(f).

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

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

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

III. Respondent enters voluntarily into this agreement with the Commission.

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

9403097450 2

1. The Democratic National Committee is a political committee within the meaning of 2 U.S.C. § 431(4) and a national political party committee within the meaning of 2 U.S.C. § 431(14).

2. Robert T. Matsui is the treasurer of the Democratic National Committee.

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make contributions to any national party committee that exceed an aggregate of $20,000 in any calendar year. 2 U.S.C. § 441a(a)(1)(B). The Act further provides that no political committee shall knowingly accept any contributions in excess of the limitations of 2 U.S.C. § 441a.

4. Mary C. Bingham made aggregate contributions to the Respondent totaling $21,000 in 1988.

V. Respondents accepted excessive contributions of $1,000 from Mary C. Bingham in 1988, in violation of 2 U.S.C. § 441a(f).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of five hundred dollars ($500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

9403097450 3

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

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

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

Date 4/25/94

FOR THE RESPONDENT:

Joseph Eric Sandler
(Name)
(Position)

Date 3/31/94

9403097450 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 25, 1994

Joseph A. Rieser, Jr.
Reed, Smith, Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036-2506

RE: MUR 3175

Dear Mr. Rieser:

On April 21, 1994, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of violations of 2 U.S.C. §§ 441a(a)(1)(A), 441a(a)(1)(B), and 441a(a)(3), 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, as to the issues addressed in the conciliation agreement, 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.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See, 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Tonda M. Phalen

Tonda M. Phalen
Staff Attorney

Enclosure
Conciliation Agreement

9403097455 05

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

APR 14 12 12 PM '94

In the Matter of	)	
	)	MUR 3175
Mary C. Bingham	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Ellen S. Miller, executive director of the Center for Responsive Politics (originally designated MUR 3175 and merged into MUR 3182). The Federal Election Commission ("Commission") found reason to believe that Mary C. Bingham ("Respondent") violated 2 U.S.C. §§ 441a(a)(1) and 441a(a)(3).

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

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

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

III. Respondent enters voluntarily into this agreement with the Commission.

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

1. Respondent is a person within the meaning of 2 U.S.C. §§ 431(11) and 441a(a)(1), and an individual within the meaning of 2 U.S.C. § 441a(a)(3).

9403097450 6

2. The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that no person shall make contributions to any federal candidate that exceed an aggregate of $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The Act also provides that no person shall make contributions to any national party committee that exceed an aggaregate of $20,000 in any calendar year. 2 U.S.C. § 441a(a)(1)(B). The Act further provides that no individual shall make contributions to candidates and political committees that aggregate more than $25,000 in any calendar year. 2 U.S.C. § 441a(a)(3). Any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be considered to have been made during the calendar year in which such election is held. 11 C.F.R. § 110.5(c).

3. Respondent contends that the violations asserted herein were inadvertent and unintentional and that had she been informed by the recipient committees of the applicable limitations, or otherwise been aware of them, she would have complied with such limitations.

4. Respondent made aggregate federal contributions of $30,500 with respect to calendar year 1988 as follows:

Contribution to	Date	Amount	P/G*
R.L. Mazzoli Campaign Fund	03/31/88	$ 500	P
R.L. Mazzoli Campaign Fund	05/27/88	1,000	G
Albert Gore Jr. for President	07/13/88	500	P
Albert Gore Jr. for President	07/29/88	500	P
DNC	09/15/88	1,000	-
DCCC	09/26/88	2,000	-
KSDCEC	10/01/88	5,000	-
DNC	10/03/88	20,000	-
	TOTAL	30,500	

*Attributable to the primary (P) or general (G) election.

9403097745507

5. Respondent made aggregate federal contributions of $58,000 with respect to calendar year 1990 as follows:

Contribution to	Date	Amount	P/G*
Sloane for Senate Committee	07/08/88	$2,000	P
Friends of Senator Carl Levin	11/27/89	1,000	P
Friends of Senator Carl Levin	11/27/89	1,000	G
Bill Bradley for US Senate '90	11/30/89	1,000	P
Bill Bradley for US Senate '90	11/30/89	1,000	G
Friends of Senator Rockefeller	12/05/89	500	P
Democrats for the 90's	02/22/90	5,000	-
Friends of Senator Rockefeller	04/16/90	500	P
Friends of Senator Rockefeller	04/16/90	500	G
DSCC	06/27/90	20,000	-
Galen Martin for Congress	07/03/90	200	P
DSCC	08/23/90	300	-
Galen Martin for Congress	08/24/90	100	P
Friends of Senator Carl Levin	09/13/90	[100]**	-
KSDCEC	09/17/90	5,000	-
DNC	10/11/90	20,000	-
	TOTAL	58,000	

*Attributable to the primary (P) or general (G) election.
**Indicates refund to contributor.

V. 1. Respondent made contributions to the Sloane for Congress Committee in 1990 that exceeded the $1,000 per election limitation, in violation of 2 U.S.C. § 441a(a)(1)(A).

2. Respondent made contributions to the Democratic National Committee in 1988 that exceeded the $20,000 calendar year limitation for contributions to a national party committee, in violation of 2 U.S.C. § 441a(a)(1)(B).

3. Respondent made aggregate contributions in 1988 and 1990 that exceeded the annual $25,000 limitation, in violation of 2 U.S.C. § 441a(a)(3).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of fifteen thousand dollars ($15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

9403097450 8

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

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

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

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

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

Date 4/28/94

FOR THE RESPONDENT:

Joseph A. Rieser
(Name)
Counsel for Respondent

April 13, 1994
Date

9403097450 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APRIL 29, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ellen S. Miller, Executive Director
Center for Responsive Politics
1320 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 3175

Dear Ms. Miller:

In a letter dated April 25, 1994, this Office notified you that conciliation agreements signed by the respondents in this matter have been accepted by the Commission. It has come to our attention that you were sent an incomplete copy of the Commission's agreement with Mary C. Bingham.

A copy of the agreement is enclosed for your information. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Tonda M. Phalen

Tonda M. Phalen
Staff Attorney

Enclosure
Conciliation Agreement

9403097451 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 19, 1994

Robert F. Bauer, Esquire
Judith L. Corley, Esquire
Perkins Coie
607 Fourteenth Street, N.W.
Washington, DC 20005-2011

RE: MUR 3175

Dear Mr. Bauer:

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) 219-3690.

Sincerely,

Tonda M. Phalen
Attorney

9403097451 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3175

DATE FILMED 5-25-94 CAMERA NO. 2

CAMERAMAN JMK

9403097451 2