FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3193

DATE FILMED 1/16/92 CAMERA NO. 4

CAMERAMAN AB

9204088536 0

AR-90-44

MJ001564

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 27, 1990

MEMORANDUM

TO: LAWRENCE M. NOBLE

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: ROBERT J. COSTA
ASSISTANT STAFF DIRECTOR
AUDIT DIVISION

SUBJECT: CAMPAIGN FOR A NEW MAJORITY (FEDERAL) - MATTERS REFERRED TO THE OFFICE OF GENERAL COUNSEL

Attached is the matter which was approved by the Commission on November 27, 1990 for referral to your office.

If you have any questions regarding this matter, please contact Wanda Thomas or Joe Stoltz.

Attachment as stated

9204085361

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Apparent Excessive Contributions

Section 441a(a)(1)(C) of Title 2 of the United States Code states that no person shall make contributions to any other political committee in any calendar year which, in the aggregate, exceed $5,000.00.

Section 110.1(k) of Title 11 of the Code of Federal Regulations states, in part, that any contributions made by more than one person, except for a contribution made by a partnership, shall include the signature of each contributor on the check, money order, or other negotiable instrument or in a separate writing. A contribution made by more than one person that does not indicate the amount to be attributed to each contributor shall be attributed equally to each contributor. Furthermore, a contribution shall be considered to be reattributed to another contributor if the treasurer of the recipient political committee asks the contributor whether the contribution is intended to be a joint contribution by more than one person, and informs the contributor that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution; and within sixty days from the date of the treasurer's receipt of the contribution, the contributors provide the treasurer with a written reattribution of the contribution, which is signed by each contributor, and which indicates the amount to be attributed to each contributor if equal attribution is not intended.

Section 103.3(b)(3) of Title 11 of the Code of Federal Regulations states, in part, that contributions which exceed the contribution limitation may be deposited into a campaign depository. If any such contributions are deposited, the treasurer may request redesignation or reattribution of the contribution by the contributor in accordance with 11 C.F.R. §110.1(b), 110.1(k) or 110.2(b), as appropriate. If a redesignation or reattribution is not obtained, the treasurer shall, within sixty days of the treasurer's receipt of the contribution, refund the contribution to the contributor.

Section 103.3(b)(4) of Title 11 of the Code of Federal Regulations states, in part, that any contribution which appears to be illegal and which is deposited into a campaign depository shall not be used for any disbursements by the political committee until the contribution has been determined to be legal. The political committee must either establish a separate account in a campaign depository for such contributions or maintain sufficient funds to make such refunds.

2 U.S.C. §441a(f) states that no candidate or political committee shall knowingly accept any contribution in violation of any limitation on contributions.

During the review of the contributions from individuals, the Audit staff noted that the Committee accepted contributions from four individuals which exceeded or aggregated in excess of the $5,000 limitation. The excessive portions of the contributions total $18,500. The Committee attributed a portion of three contributions to the contributors' spouses or another individual but maintained no documentation to support that such contribution reattributions were authorized by the contributors. Therefore, the Audit staff attributed the entire amount of the contributions to the persons who signed the contribution checks.

The Audit staff found evidence of neither a separate account for the deposit of contributions which were possibly excessive or prohibited, nor a method to monitor an amount required to be kept in the Committee's regular accounts while the acceptability determination was being made. However, the Committee's account balances during the audit period were sufficient to make refunds of the excessive contributions.

In the interim audit report, the Audit staff recommended that the Committee take the following action:

- Provide evidence that the contributions in question are not excessive; or
- Transfer the $18,500 to a non-federal account and inform the contributors of such action in writing and provide them with the option of receiving a refund; or
- Refund $18,500 to the four contributors and present evidence of such refunds (copies of the front and back of the negotiated refund checks). If funds are not available to make such refunds, disclose the excessive contributions as debts owed by the Committee on Schedule D-P until such time that funds are available.

In response to the interim audit report, the Committee submitted copies of letters from three of the contributors authorizing the reattribution of contributions totaling $13,500. The letters are undated. Therefore, the Audit staff is unable to determine if the reattributions were made in a timely manner. With respect to the remaining contributor, the Committee stated that it is "endeavoring to obtain similar verification from the parties connected with the fourth contribution."

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Recommendation

The Audit staff recommends that pursuant to the Commission approved materiality thresholds, this matter be referred to the Office of General Counsel.

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

90 DEC 26 PM 4:26

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR # 3193
STAFF MEMBER: Bernstein/Hageman

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Campaign for a New Majority (Federal), and Scott B. MacKenzie, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441a(f)
11 C.F.R. § 103.3(b)(3)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter arose from a referral from the Audit Division based on the Final Audit Report on the Campaign for a New Majority (Federal) ("Committee"). The Commission voted to refer the matter to the Office of the General Counsel on November 27, 1990. The Committee apparently received excessive contributions from individuals between January 1987 and June 1988 the excessive portions of which total $18,500.

II. FACTUAL AND LEGAL ANALYSIS

The FECA limits contributions from an individual to a Federal candidate to $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). Individual contributions to unauthorized political committees are limited to $5,000 per calendar year. 2 U.S.C. § 441a(a)(1)(C). Under 2 U.S.C. § 441a(f), it is

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unlawful for political committees to knowingly accept excessive contributions.

The Commission's regulations permit a committee to obtain a reattribution of an excessive contribution within 60 days of its receipt. 11 C.F.R. §§ 103.3(b)(3), 110.1(k), 110.2(b). If a redesignation or reattribution is not received within 60 days of receipt, the treasurer must refund the contribution to the contributor within 60 days of receipt of the contribution. 11 C.F.R. § 103.3(b)(3). To be effective, the reattribution must be in writing, signed by the contributor, and received by the treasurer within 60 days from the date of receipt of the contribution. 11 C.F.R. § 110.1(k)(3).

The Campaign for a New Majority ("Committee") received a total of $28,000 in contributions from three individuals during 1987, and $10,000 from an individual during 1988 (Attachment 1, page 10). The Committee reattributed a portion of the contributions to the contributors' spouses or another individual.1/ The field audit of the Committee revealed, however, that the Committee maintained no documentation to support the reattributions. Therefore, the Audit staff attributed the entire amount to the original contributors, resulting in excessive contributions from the four individuals in the amount of $18,500.00 (See Attachment 1, page 3).

1/ Two of the contributions were drawn on spousal joint checking accounts but signed by only one spouse. The balance of the contributions were drawn on checking accounts containing only one name but with a handwritten note of the sole signator noting attribution to another individual. (Attachment 2, pages 25-34).

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In response to the Interim Audit Report, on October 18, 1990, the Committee submitted undated letters from three of the contributors and their spouses authorizing the Committee to reattribute $13,500.00. Counsel in the accompanying cover letter (Attachment 2) states that the Committee is continuing to seek verification in connection with the fourth contribution. The Committee has not demonstrated that it received these reattributions within 60 days of the original receipt of the contributions as required by 11 C.F.R. § 103.3(b)(3) and 11 C.F.R. § 110.1(k)(3). Therefore, it accepted excessive contributions in violation of 2 U.S.C. § 441a(f).2/

Accordingly, the Office of the General Counsel recommends that the Commission find reason to believe Campaign for a New Majority (Federal), and Scott B. MacKenzie, as treasurer, violated 2 U.S.C. § 441a(f).

III. RECOMMENDATIONS

1. Find reason to believe that Campaign for a New Majority (Federal), and Scott B. MacKenzie, as treasurer, violated 2 U.S.C. § 441a(f).

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2/ Indeed, other than producing the undated attribution forms, the Committee has made no representation that they were received in time under the regulations. Counsel's letter responding to the Interim Audit Report (Attachment 2) is the only formal statement by the Committee with respect to this issue, and makes no mention of when the statements were received.

2. Approve the attached Factual and Legal Analysis and the appropriate letter.

Lawrence M. Noble
General Counsel

December 26, 1990
Date

BY: L G Lerner (by LEK)
Lois G. Lerner
Associate General Counsel

Attachments:
1. Referral Materials
2. Letter Responding to Interim Audit Report & Original Contribution Checks
3. Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS DH
COMMISSION SECRETARY

DATE: JANUARY 9, 1991

SUBJECT: MUR 3193 - FIRST GENERAL COUNSEL'S REPORT DATED DECEMBER 26, 1990.

The above-captioned document was circulated to the Commission on Thursday, December 27, 1990 at 11:00 a.m. .

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

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

This matter will be placed on the meeting agenda for TUESDAY, JANUARY 15, 1991.

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

92040385369

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3193
Campaign for a New Majority (Federal)	)	
and Scott B. MacKenzie, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on January 17, 1991, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 3193:

1. Find reason to believe that Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer, violated 2 U.S.C. § 441a(f).

2. Approve the Factual and Legal Analysis and appropriate letters as recommended in the General Counsel's report signed December 26, 1990.

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

Attest:

Jan. 22, 1991
Date

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

92040885370

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 5, 1991

Campaign for a New Majority (Federal)
Mr. Scott B. MacKenzie, Treasurer
1901 N. Moore St., Suite 900
Arlington, VA 22209

RE: MUR 3193

Dear Mr. MacKenzie:

On January 17, 1991, the Federal Election Commission found that there is reason to believe Campaign for a New Majority (Federal) ("Committee") and you, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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

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Mr. Mackenzie
Page 2

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

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

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Todd Hageman, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

9204038537 2

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer

MUR: 3193

The Federal Election Campaign Act of 1971, as amended ("the Act"), limits contributions from an individual to a Federal candidate to $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). Individual contributions to unauthorized political committees are limited to $5,000 per calendar year. 2 U.S.C. § 441a(a)(1)(C). Under 2 U.S.C. § 441a(f), it is unlawful for political committees to knowingly accept excessive contributions.

The Commission's regulations permit a committee to obtain a reattribution of an excessive contribution within 60 days of its receipt. 11 C.F.R. §§ 103.3(b)(3), 110.1(k), 110.2(b). If a redesignation or reattribution is not received within 60 days of receipt, the treasurer must refund the contribution to the contributor within 60 days of receipt of the contribution. 11 C.F.R. § 103.3(b)(3). To be effective, the reattribution must be in writing, signed by the contributor, and received by the treasurer within 60 days from the date of receipt of the contribution. 11 C.F.R. § 110.1(k)(3).

The Campaign for a New Majority ("Committee") received a total of $28,000 in contributions from three individuals during 1987, and $10,000 from an individual during 1988. The Committee reattributed a portion of the contributions to the contributors'

9204038537 3

spouses or another individual.[1] The field audit of the Committee revealed, however, that the Committee maintained no documentation to support the reattributions. Therefore, the Audit staff attributed the entire amount to the original contributors, resulting in excessive contributions from the four individuals in the amount of $18,500.00.

In response to the Interim Audit Report, on October 18, 1990, the Committee submitted undated letters from three of the contributors and their spouses authorizing the Committee to reattribute $13,500.00. Counsel in the accompanying cover letter states that the Committee is continuing to seek verification in connection with the fourth contribution. The Committee has not demonstrated that it received these reattributions within 60 days of the original receipt of the contributions as required by 11 C.F.R. § 103.3(b)(3) and 11 C.F.R. § 110.1(k)(3). Therefore, it accepted excessive contributions in violation of 2 U.S.C. § 441a(f).[2] Accordingly, there is reason to believe Campaign for a New Majority (Federal), and Scott B. MacKenzie, as treasurer, violated 2 U.S.C. § 441a(f).

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1. Two of the contributions were drawn on spousal joint checking accounts but signed by only one spouse. The balance of the contributions were drawn on checking accounts containing only one name but with a handwritten note of the sole signator noting attribution to another individual.

2. Indeed, other than producing the undated attribution forms, the Committee has made no representation that they were received in time under the regulations. Counsel's letter responding to the Interim Audit Report is the only formal statement by the Committee with respect to this issue, and makes no mention of when the statements were received.

OGC 0195

PIPER & MARBURY
1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900
TELECOPIER 202-223-2085
CABLE PIPERMAR WSH
TELEX 904246

1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530

WRITER'S DIRECT NUMBER

(202) 861-3917

February 27, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 FEB 27 PM 5:00

HAND DELIVERY

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

Re: MUR 3193: Campaign For A New Majority

Dear Mr. Hageman:

We submit on behalf of the Campaign for a New Majority and Scott MacKenzie, as treasurer (collectively referred to as "CNM"), a request for a fifteen day extension of time in which to submit any legal or factual materials relevant to the above-referenced matter. We request an extension of time up to and including March 12, 1991.

Good cause exists for the extension of time. As we discussed on February 27, 1991, the Commission's letter informing CNM that a reason to believe finding had been made was dated February 5, 1991 but was not received by Mr. MacKenzie until February 25, 1991. The letter was sent inadvertently to CNM's former address.

We request respectfully an extension, therefore, up to and including March 12, 1991.

Sincerely,

Gretchen L. Lowe

Gretchen L. Lowe

GLL:sll

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OGC 0189

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 FEB 27 PM 1:48

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

91 FEB 27 PM 3:14

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3193

NAME OF COUNSEL: John J. Duffy

ADDRESS: Piper & Marbury
1200 Nineteenth Street, NW
Washington, DC 20036

TELEPHONE: (202) 861-3900

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.

2/26/91
Date

Signature

RESPONDENT'S NAME: Scott B. Mackenzie

ADDRESS: Campaign for a New Majority (Federal)
5201 Leesburg Pike; Suite 1207
Falls Church, VA 22041

HOME PHONE: (703) 820-1988

BUSINESS PHONE: (703) 820-1988

92040885376

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 1, 1991

Mr. John J. Duffy
Piper & Marbury
1200 Nineteenth St., N.W.
Washington, D.C. 20036

RE: MUR 3193
Campaign for a New
Majority (Federal)

Dear Mr. Duffy:

This is in response to your letter dated February 27, 1991, which we received on February 27, 1991, requesting an extension of fifteen days until and including March 12, 1991 to respond to the Commission's reason to believe letter dated February 5, 1991. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on March 13, 1991.

If you have any questions, please contact Todd Hageman, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

Jonathan Bernstein

BY: Jonathan Bernstein
Assistant General Counsel

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

91 JUN 10 PM 2:28

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 3193 **SENSITIVE**
	)	
Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer	)	

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer, based on the assessment of the information presently available.

6/10/91
Date

Lawrence M. Noble
General Counsel

92040885378

FEDERAL ELECTION COMMISSION
SECRETARIAT
91 JUN 21 AM 10:05

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

June 21, 1991

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MUR 3193

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe were mailed on June 21, 1991. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments
1. Brief
2. Letter to respondent

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

June 21, 1991

John J. Duffy, Esq.
Piper & Marbury
1200 Nineteenth Street, N.W.
Washington, DC 20036

RE: MUR 3193
Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer

Dear Mr. Duffy:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, on January 17, 1991, the Federal Election Commission found reason to believe that your clients, Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer, violated 2 U.S.C. § 441a(f), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Todd Hageman, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Brief

92040885381

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3193
Campaign for a New Majority (Federal), and Scott B. MacKenzie, as treasurer	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter arose from a referral from the Audit Division based on the Final Audit Report on the Campaign for a New Majority (Federal) ("Committee"). On January 17, 1991, the Commission found reason to believe that Campaign for a New Majority (Federal), and Scott B. MacKenzie, as treasurer, violated 2 U.S.C. § 441a(f), by accepting excessive contributions from individuals between January 1987 and June 1988 the excessive portions of which total $18,500. Counsel sought and received an extension of time until March 13, 1991 to respond to the Commission's reason to believe notification, but no response has been received.

II. ANALYSIS

The Federal Election Campaign Act ("FECA") limits contributions from an individual to a Federal candidate to $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). Individual contributions to unauthorized political committees are limited to $5,000 per calendar year. 2 U.S.C. § 441a(a)(1)(C). Under 2 U.S.C. § 441a(f), it is unlawful for political committees to knowingly accept excessive contributions.

The Commission's regulations permit a committee to obtain a reattribution of an excessive contribution within 60 days of

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its receipt. 11 C.F.R. §§ 103.3(b)(3), 110.1(k), 110.2(b). If a redesignation or reattribution is not received within 60 days of receipt, the treasurer must refund the contribution to the contributor within 60 days of receipt of the contribution. 11 C.F.R. § 103.3(b)(3). To be effective, the reattribution must be in writing, signed by the contributor, and received by the treasurer within 60 days from the date of receipt of the contribution. 11 C.F.R. § 110.1(k)(3).

The Committee received a total of $28,000 in contributions from three individuals during 1987, and $10,000 from an individual during 1988. The Committee attributed a portion of the contributions to the contributors' spouses or another individual.1/ The field audit of the Committee revealed, however, that the Committee maintained no documentation to support the reattributions. Therefore, the Audit staff attributed the entire amount to the original contributors, resulting in excessive contributions from the four individuals in the amount of $18,500.00.

In response to the Interim Audit Report, on October 18, 1990, the Committee submitted undated letters from three of the contributors and their spouses authorizing the Committee to reattribute $13,500.00. Counsel in the accompanying cover letter stated that the Committee is continuing to seek verification in

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1/ Two of the contributions were drawn on spousal joint checking accounts but signed by only one spouse. The balance of the contributions were drawn by checks containing only one name but with a handwritten note of the sole signator noting attribution to another individual.

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connection with the fourth contribution. Since the Committee has not demonstrated that it received these reattributions within 60 days of the original receipt of the contributions as required by 11 C.F.R. § 103.3(b)(3) and 11 C.F.R. § 110.1(k)(3), it accepted excessive contributions in violation of 2 U.S.C. § 441a(f).2/

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe that Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer violated 2 U.S.C. § 441a(f).

6/20/91
Date

Lawrence M. Noble
General Counsel

92040385384

2/ Indeed, other than producing the undated attribution forms, the Committee has made no representation that they were received in time under the regulations. Counsel's letter responding to the Interim Audit Report is the only formal statement by the Committee with respect to this issue, and makes no mention of when the statements were received.

OGC 1822

PIPER & MARBURY

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-2430
202-861-3900
FAX: 202-223-2085
CABLE: PIPERMAR WSH
TELEX: 904246

36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201
301-539-2530

JOHN J. DUFFY
DIRECT DIAL NUMBER
202-861-3938

14 AUSTIN FRIARS
LONDON EC2N 2HE
071-638-3833

117 BAY STREET
EASTON, MARYLAND 21601
301-820-4460

July 8, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JUL -8 PM 3:43

Mr. Todd Hageman
Federal Election Commission
999 E Street, N.W., Suite 657
Washington, D.C. 20463

Re: MUR 3193
Campaign for a New Majority (Federal) and
Scott B. MacKenzie, as treasurer

Dear Mr. Hageman:

On behalf of the Campaign for a New Majority, we request a brief extension of time, up to and including July 15, 1991, in which to file a responsive brief with the Federal Election Commission in this matter.

Sincerely,

John J. Duffy

JJD:cpm

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1991

Mr. John J. Duffy
Piper & Marbury
1200 Nineteenth Street, N.W.
Washington, DC 20036-2430

RE: MUR 3193
Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer

Dear Mr. Duffy:

This is in response to your letter dated July 8, 1991, which we received on the same date, requesting an extension until July 15, 1991 to respond to the General Counsel's brief. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, we expect to receive any response on or before July 15, 1991.

If you have any questions, please contact Todd Hageman, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Jonathan Bernstein
Assistant General Counsel

92040885386

06C1883

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3193
Campaign for a New Majority (Federal), and Scott B. MacKenzie, as treasurer	)	

RECEIVED FEDERAL ELECTION COMMISSION OFFICE SERVICES BRANCH 91 JUL 15 PM 4:03

RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL 91 JUL 16 AM 11:12

RESPONDENT'S BRIEF

On January 17, 1991, the Federal Election Commission ("Commission") found reason to believe that the Campaign For a New Majority and Scott B. Mackenzie, as treasurer, ("collectively referred to as "CFNM"), violated section 441a(f) of the Federal Election Campaign Act of 1971, as amended, ("the Act"), 2 U.S.C. Section 441a(f). Section 441a(f) prohibits, inter alia, a political committee from knowingly accepting any contribution in violation of the Act.

In a letter dated June 21, 1991, the General Counsel recommended that the Commission find probable cause to believe that a violation has occurred.

CFNM submits, for the reasons set forth below, that no further action should be taken in this matter.

CFNM reattributed a portion of contributions received from three individuals in 1987, and one individual in 1988, to the contributors' spouses. CFNM believes that at the time it made these attributions, it had requested and received the

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appropriate documentation.[1/] Mr. Mackenzie, the present treasurer, was not the treasurer at the time these contributions were received and, consequently, has no personal knowledge of the circumstances of their receipt. After inquiry by the audit staff, CFNM's present treasurer attempted to locate the contemporaneous documentation received from contributors, confirming that these contributions should be reattributed. CFNM could not locate the documentation for these four individuals. CFNM then sought to confirm again that the contributions were properly reattributed by obtaining current verification from the contributors. CFNM has now obtained the verifications from three of these contributors.

The allegations of the Commission consist of four isolated instances. CFNM's failure to have available documentation of reattribution appears to be the result of deficient record keeping, rather than any failure to comply with the law. CFNM is, moreover, a dormant Committee, in the process of terminating. For these reasons, CFNM respectfully

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1/ The contributions were either drawn on a joint checking account or included a notation on the check to attribute a portion of the contribution to another individual. CFNM's practice in such cases was, we have been informed, to request such documentation. One contributor, Mr. Paul Orrefice, in a letter accompanying the submission of his designation statement, noted irately that this was the "second or maybe third time," he had signed a statement of designation. See Attachment.

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requests, therefore, that no further action be taken with respect to this matter.

Respectfully submitted,

PIPER & MARBURY

Gretchen L. Lowe /GM

Gretchen L. Lowe

July 15, 1991

92040885389

PAUL F. OREFFICE
9400 SIEBERT STREET
MIDLAND, MICHIGAN 48640

October 8, 1990

Scott B. Mackenzie
Treasurer
Campaign for a New Majority
5201 Leesburg Pike
Suite 1207
Falls Church, VA 22041

Dear Mr. Mackenzie:

I am enclosing, duly signed by my wife and me, a statement indicating that the 1988 contribution of $10,000 was from the two of us for $5,000 each.

Since this is the second or maybe third time I have signed such a statement, I hope that your organization will not lose it this time.

Sincerely,

PFO:p

enc.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3193
Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer	)	

SENSITIVE
EXECUTIVE SESSION
AUG 20 1991

GENERAL COUNSEL'S REPORT

I. **BACKGROUND**

On January 17, 1991, the Commission found reason to believe that the Campaign For a New Majority ("Committee") and Scott B. MacKenzie, as treasurer, violated 2 U.S.C. § 441a(f). The Committee requested and received an extension to respond to the Commission's reason to believe finding, but subsequently declined to respond. On June 21, 1991, in a brief mailed to the Committee, this Office informed the Committee of its intention to recommend the Commission find probable cause to believe a violation occurred.

II. **ANALYSIS**

The Federal Election Campaign Act ("FECA") limits contributions from an individual to a Federal candidate to $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). Individual contributions to unauthorized political committees are limited to $5,000 per calendar year. 2 U.S.C. § 441a(a)(1)(C). Under 2 U.S.C. § 441a(f), it is unlawful for political committees to knowingly accept excessive contributions.

The Commission's regulations permit a committee to obtain a reattribution of an excessive contribution within 60 days of its receipt. 11 C.F.R. §§ 103.3(b)(3), 110.1(k), 110.2(b). If a redesignation or reattribution is not received within 60 days of

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receipt, the treasurer must refund the contribution to the contributor within 60 days of receipt of the contribution. 11 C.F.R. § 103.3(b)(3). To be effective, the reattribution must be in writing, signed by the contributor, and received by the treasurer within 60 days from the date of receipt of the contribution. 11 C.F.R. § 110.1(k)(3).

The Committee received a total of $28,000 in contributions from three individuals during 1987, and $10,000 from an individual during 1988. The Committee attributed a portion of the contributions to the contributors' spouses or another individual.[1] The field audit of the Committee revealed, however, that the Committee maintained no documentation to support the reattributions. Therefore, the Audit staff attributed the entire amount to the original contributors, resulting in excessive contributions from the four individuals in the amount of $18,500.00.

In response to the Interim Audit Report, on October 18, 1990, the Committee submitted undated letters from three of the contributors and their spouses authorizing the Committee to reattribute $13,500.00. Counsel in an accompanying cover letter stated that the Committee is seeking verification in connection with the fourth contribution.

On July 16, 1991, the Committee submitted a brief in

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1. Two of the contributions were drawn on spousal joint checking accounts but signed by only one spouse. The balance of the contributions were drawn by checks containing only one name but with a handwritten note of the sole signator noting attribution to another individual.

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response to the General Counsel's brief recommending that the Commission find probable cause to believe a violation occurred. See Attachment 1. The Committee's brief lacks any additional factual information concerning this matter. The Committee has failed to produce even anecdotal evidence that verification in connection with the fourth contribution was ever received. The brief did contain a statement from one of the contributors, dated October 8, 1990, enclosing a reattribution of his $10,000 contribution equally between he and his wife. This statement indicates that this was the second or third time the contributor made such a statement. Once again, however, the Committee has failed to produce any evidence whatsoever which suggests that the reattributions were made within 60 days of the Committee's original receipt of the contributions. Since the Committee has not demonstrated that it received these reattributions within 60 days of the original receipt of the contributions as required by 11 C.F.R. § 103.3(b)(3) and 11 C.F.R. § 110.1(k)(3), it accepted excessive contributions in violation of 2 U.S.C. § 441a(f).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. **RECOMMENDATIONS**

1. Find probable cause to believe that Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer, violated 2 U.S.C. § 441a(f).

2. Approve the attached conciliation agreement and the appropriate letter.

8/8/91
Date

Lawrence M. Noble
General Counsel

Attachments:
1. Respondent Brief
2. Conciliation Agreement

Staff assigned: Todd S. Hageman

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3193
Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 20, 1991, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3193:

1. Find probable cause to believe that Campaign for a New Majority (Federal) and Scott B. MacKenzie, as treasurer, violated 2 U.S.C. § 441a(f).

2. Approve the conciliation agreement and the appropriate letter as recommended in the General Counsel's report dated August 8, 1991.

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

Attest:

8-22-91
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 4, 1991

John J. Duffy, Esquire
Piper & Marbury
1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2430

RE: MUR 3193

Dear Mr. Duffy:

On August 20, 1991, the Federal Election Commission found that there is probable cause to believe Campaign for a New Majority (Federal) and Scott B. MacKensie, as treasurer, violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the receipt of excessive contributions totaling $18,500.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Jonathan Bernstein, the staff member assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 24, 1991

John J. Duffy, Esquire
Piper & Marbury
1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2430

RE: MUR 3193
Campaign for a New Majority (Federal) and Scott B. MacKensie, as treasurer

Dear Mr. Duffy:

On September 4, 1991, you were notified that the Federal Election Commission found probable cause to believe that your clients violated 2 U.S.C. § 441a(f). On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period in this matter may not extend for more than 90 days, but may cease after 30 days. Insofar as 30 days will shortly elapse without any response from you, a recommendation concerning the filing of a civil suit will be made to the Commission by the Office of the General Counsel unless we receive a response from you on or before October 4, 1991.

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

Sincerely,

Lawrence M. Noble
General Counsel

Jonathan Bernstein

BY: Jonathan A. Bernstein
Assistant General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Campaign for a New Majority (Federal) and Scott B. MacKensie, as treasurer.	)	MUR 3193
	)	
	)	
	)	

SENSITIVE

EXECUTIVE SESSION

OCT 2 2 1991

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On September 4, 1991, respondents' counsel was notified of the Commission's probable cause to believe finding in this matter. Accompanying this notification was a conciliation agreement offered by the Commission in settlement.

Upon receiving no response, this Office wrote counsel by letter dated September 24, 1991 (Attachment), explaining that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period may not extend for more than 90 days, but may cease after 30 days, and soliciting a response to the Commission's proposal on or before October 4, 1991 if respondents wished to resolve the matter short of litigation. As of this date, we have received no response to the Commission's conciliation agreement and no indication that respondents have any good faith intent to attempt to resolve this matter. Therefore, this Office recommends the Commission authorize civil suit against the Campaign for a New Majority (Federal) and Scott B. MacKensie, as treasurer.

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II. **RECOMMENDATIONS**

1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against the Campaign for a New Majority (Federal) and Scott B. MacKensie.

2. Approve the appropriate letter.

10/10/91
Date

Lawrence M. Noble
General Counsel

Attachment
OGC letter dated September 24, 1991

Staff Assigned: Jonathan A. Bernstein

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3193
Campaign for a New Majority (Federal)	)	
and Scott B. MacKensie, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 22, 1991, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3193:

1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against the Campaign for a New Majority (Federal) and Scott B. MacKensie, as treasurer.

2. Approve the appropriate letter as recommended in the General Counsel's report dated October 10, 1991.

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

Attest:

10-23-91
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 30, 1991

John J. Duffy, Esquire
Piper & Marbury
1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2430

RE: MUR 3193
Campaign for a New Majority
(Federal) and Scott B.
MacKenzie, as treasurer

Dear Mr. Duffy:

You were previously notified that on August 20, 1991, the Federal Election Commission found probable cause to believe that your clients violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971.

On September 24, 1991, this Office wrote you, explaining that the 30 day minimum period for conciliation would soon expire and that a recommendation concerning the filing of a civil suit would be made by the Commission if no response was received by October 4, 1991. No response was received by that date. Instead, on October 15, you transmitted a letter via facsimile promising that a substantive response to the Commission's conciliation proposal would be forthcoming by October 21, 1991. Again, no response was received. Therefore, as a result of our inability to settle this matter through conciliation, on October 22, 1991, the Commission authorized the General Counsel to institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Stephen Hershkowitz, Assistant General Counsel, at (202) 219-3690, within five days of your receipt of this letter.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 4, 1991

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

Richard B. Bader
Associate General Counsel

Stephen E. Hershkowitz
Assistant General Counsel

SUBJECT: Conciliation Agreement in MUR 3193

On October 22, 1991, the Commission authorized the Office of General Counsel to file a civil suit in United States District Court against the Campaign for a New Majority (Federal) and Scott B. Mackenzie, as treasurer ("Respondents") for accepting $18,500 in excessive contributions. Eventually, $13,500 was reattributed which corrected some of the excessive contributions, although the reattribution was not done in a timely manner.

The Respondents initially failed to respond to the Commission's attempt to reach a conciliation agreement. However, on November 15, 1991, after discussion with staff from this Office and prior to the filing of a civil action, Respondents submitted a signed conciliation agreement.

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RECOMMENDATION

Accept the conciliation agreement with Respondents Campaign for a New Majority (Federal) and Scott B. Mackenzie, as treasurer.

ATTACHMENTS

Proposed conciliation agreement and checks.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Campaign for a New Majority (Federal)	)	MUR 3193
and Scott B. Mackenzie, as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 6, 1991, the Commission decided by a vote of 6-0 to accept the conciliation agreement with Campaign for a New Majority (Federal) and Sott B. Mackenzie, as treasurer, as recommended in the General Counsel's Memorandum dated December 4, 1991.

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

Attest:

12-6-91
Date

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

Received in the Secretariat: Wed., Dec. 4, 1991 12:49 p.m.
Circulated to the Commission: Wed., Dec. 4, 1991 4:00 p.m.
Deadline for vote: Fri., Dec. 6, 1991 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 12, 1991

John J. Duffy
Piper and Marbury
1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2085

Re: Federal Election Commission v. Campaign for a New Majority (Federal) et al., (Pre Litigation) (formerly MUR 3193)

Dear Mr. Duffy:

This is to notify you that on December 6, 1991, the Commission voted to accept the signed conciliation agreement you previously submitted in settlement of the above-captioned matter. A copy of that agreement, which has now been executed on behalf of the Commission, is enclosed for your files.

This concludes the Commission's consideration of this matter. The original signed copy of the conciliation agreement will now be forwarded, together with other portions of the Commission's permanent file in MUR 3193, to the Commission's Public Disclosure Division for placement on the public record. See 11 C.F.R. § 4.4. Should you wish to submit any additional legal or factual materials to be place on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Thank you again for your cooperation. Should you have any questions, please contact me immediately at 202-219-3400.

Sincerely,

Stephen E. Hershkowitz
Assistant General Cousel

Enclosure.

92040885406

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Campaign for a New Majority (Federal) and Scott B. Mackenzie, as treasurer	)	MUR 3193

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that Campaign for a New Majority and Scott B. Mackenzie, as treasurer ("Respondents"), violated 2 U.S.C. § 441a(f).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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

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

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

1. Campaign for a New Majority (Federal) is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Scott B. Mackenzie is the current treasurer of Campaign for a New Majority (Federal). Ms. Bobbie Lake was the treasurer during the time certain of the events referenced herein occurred.

3. Respondents received excessive contributions from four individuals between January 1987 and June 1988, the excessive portions of which total $18,500.

4. Respondents received reattributions of $13,500 of the excessive contributions but have not demonstrated that they received reattributions within 60 days of the original receipt of the contributions as required by 11 C.F.R. § 110.1(k)(3).

V. Respondents accepted excessive contributions from four individuals, the excessive portion of which totals $18,500, in violation of 2 U.S.C. § 441a(f).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Four Thousand dollars ($4,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondents will refund the remaining excessive contributions, which total $5,000.

VIII. 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.

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MUR 3478

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

X. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. 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.

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OFFICE OF GENERAL COUNSEL
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FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: _____ Date 12/13/91
Lois G. Lerner
Associate General Counsel

FOR THE RESPONDENTS:

_____ Date 11/15/91
Scott B. McKenzie
Treasurer

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

THIS IS THE END OF MUR # 3123

DATE FILMED 1/10/92 CAMERA NO. 4

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3193.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 1993

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

Richard B. Bader
Associate General Counsel

Stephen E. Hershkowitz
Assistant General Counsel

SUBJECT: Closed MURs 2598, 3193, and 3429

It has come to this Office's attention that because of administrative oversight, the Commission did not formally vote to "close" the following MURs when the Commission voted to accept conciliation agreements:

MUR 2598-Texas Republican Congressional Committee and Martha Weisend, as treasurer;

MUR 3193-Campaign for a New Majority (Federal) and Scott MacKenzie, as treasurer; and

MUR 3429-Nita Lowey for Congress and Aaron Eidelman, as treasurer.

After the Commission approved this Office's recommendations to accept the respective conciliation agreements for these MURs, the cases were treated by the staff as closed and were placed on the public record. To correct this technical oversight, this Office recommends that the Commission close the files in MURs 2598, 3193, and 3429.

RECOMMENDATION

Close the files in MURs 2598, 3193, and 3429.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Campaign for a New Majority (Federal) and Scott MacKenzie, as treasurer.	)	MUR 3193

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 15, 1993, the Commission decided by a vote of 6-0 to close the file in MUR 3193, as recommended in the General Counsel's Memorandum dated July 12, 1993.

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

Attest:

7-21-93
Date

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

Received in the Secretariat: Mon., July 12, 1993 1:24 p.m.
Circulated to the Commission: Mon., July 12, 1993 4:00 p.m.
Deadline for vote: Thurs., July 15, 1993 4:00 p.m.

bjr

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